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THE
STATE OF THE UNION:

BEING A

COMPLETE DOCUMENTARY HISTORY

OF

THE PUBLIC AFFAIRS OF THE UNITED STATES,

FOREIGN AND DOMESTIC,

FOR THE YEAR 1854.



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P R E F A C E .

It is the design of this volume to embody in a convenient form the interesting and valuable information contained in the Executive Documents communicated to Congress at the commencement of its session, in accordance with the constitutional provision which requires the PRESIDENT to make an annual report to that body of THE STATE OF THE UNION.

The annual message of the PRESIDENT and the reports of the DEPARTMENTS contain matter of interest to every American citizen; valuable for immediate use and for future reference. With the documents annexed, they are too voluminous to appear in the newspapers, and only a few of the most important are printed even in the leading political journals of the great cities. They thus reach comparatively few of the large number who are entitled to be made acquainted with their contents; and them in a form not convenient for preservation. To separate what is of permanent interest in these documents from what is temporary and unimportant—to arrange it and make it easy of reference in a volume which every one would be glad to possess and preserve—has seemed to the editor a work of sufficient importance to justify the preparation of the volume now submitted to the public.

The contents of the work are exclusively of official authority. The reports of the Heads of Departments and those of some of the most important bureaux are given entire, and constitute the body of the work.

PREFACE.

For the chapter on the Coast Survey we have been indebted to the politeness of the Superintendent, under whose direction it was prepared.

In the chapter on Foreign Affairs, we have given all the documents necessary to illustrate the several topics discussed in this connexion in the PRESIDENT's message.

The APPENDIX contains an abstract or notice of every document annexed to the reports, and the most important statements and tables entire.

At the close will be found a very full INDEX to the contents of the volume; containing a complete synopsis of every chapter, besides a particular reference to the several topics of each under their initial letters.

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THE STATE OF THE UNION.

I.—MESSAGE OF THE PRESIDENT.

*Fellow-Citizens of the Senate
and of the House of Representatives:*

THE past has been an eventful year, and will be hereafter referred to as a marked epoch in the history of the world. While we have been happily preserved from the calamities of war, our domestic prosperity has not been entirely interrupted. The crops, in portions of the country, have been nearly cut off. Disease has prevailed to a greater extent than usual, and the sacrifice of human life, through casualties by sea and land, is without parallel. But the pestilence has swept by, and restored salubrity invites the absent to their homes, and the return of business to its ordinary channels. If the earth has rewarded the labor of the husbandman less bountifully than in preceding seasons, it has left him with abundance for domestic wants, and a large surplus for exportation. In the present, therefore, as in the past, we find ample grounds for reverent thankfulness to the God of Grace and Providence, for His protecting care and merciful dealings with us as a people.

Although our attention has been arrested by painful interest in passing events, yet our country feels no more than the slight vibrations of the convulsions which have shaken Europe. As individuals, we cannot repress sympathy with human suffering, nor regret for the causes which produce it. As a nation, we are reminded, that whatever interrupts the peace, or checks the prosperity, of any part of Christendom, tends, more or less, to involve our own. The condition of States is not unlike that of individuals. They are mutually dependent upon each other. Amicable relations between them, and reciprocal good will, are essential for the promotion of whatever is desirable in their moral, social, and po-

friendship. Hence, it has been my earnest endeavor to maintain peace and friendly intercourse with all nations.

The wise theory of this Government, so early adopted and steadily pursued of avoiding all entangling alliances, has hitherto exempted it from many complications, in which it would otherwise have become involved. Notwithstanding this very clearly defined and well sustained course of action, and our geographical position so remote from Europe, increasing disposition has been manifested, by some of its governments, to supersede and, in certain respects, to direct, our foreign policy. In place of adjusting the balance of power among themselves, they have assumed to take us into account, and would constrain us to conform our conduct to their views. One or another of the powers of Europe has, from time to time, undertaken to enforce arbitrary regulations, contrary, in every respect, to established principles of international law. That law, the United States have, in their foreign intercourse, uniformly respected and observed, and they cannot recognize any such interpolations therein, as the temporary interests of others may suggest. They do not admit, that the sovereigns of one continent, or of a particular community of States, can legislate for all others.

Leaving the trans-atlantic nations to adjust their political system in the way they may think best for their common welfare, the independent powers of this continent may well assert the right to be exempt from all annoying interference on their part. Systematic abstinence from intimate political connection with distant foreign nations, does not conflict with giving the widest range to our foreign commerce. This distinction, so clearly marked in history, seems to have been overlooked, or disregarded, by some leading foreign States. Our refusal to be brought within, and subjected to, their peculiar system, has, I fear, created a jealous distrust of our conduct, and induced, on their part, occasional acts of disturbing effect upon our foreign relations. Our present attitude and past course gives assurance, which should not be questioned, that our purposes are not aggressive, nor threatening to the safety and welfare of other nations. Our military establishment, in time of peace, is adapted to maintain exterior discipline, and to preserve order among the aboriginal tribes within the limits of the Union. Our naval force is intended only for the protection of our citizens abroad, and of our commerce diffused as it is, over all the seas of the globe. The government of the United States, being essentially pacific in policy, should be prepared to repel invasion by the voluntary service of a patriotic people, and provides no permanent

means of foreign aggression. These considerations should allay all apprehension that we are disposed to encroach on the rights, or endanger the security, of other States.

Some European powers have regarded, with disquieting concern, the territorial expansion of the United States. This rapid growth has resulted from the legitimate exercise of sovereign rights, belonging alike to all nations, and by many liberally exercised. Under such circumstances, it could hardly have been expected that those among them, which have, within a comparatively recent period, subdued and absorbed ancient kingdoms, planted their standards on every continent, and now possess, or claim the control of, the islands of every ocean as their appropriate domain, would look with unfriendly sentiments upon the acquisitions of this country, in every instance honorably obtained, or would feel themselves justified in imputing our advancement to a spirit of aggression, or to a passion for political predominance.

Our foreign commerce has reached a magnitude and extent nearly equal to that of the first maritime power of the earth, and exceeding that of any other. Over this great interest, in which not only our merchants, but all classes of citizens at least indirectly, are concerned, it is the duty of the executive and legislative branches of the Government to exercise a careful supervision, and adopt proper measures for its protection. The policy which I have had in view, in regard to this interest, embraces its future as well as its present security.

Long experience has shown that, in general, when the principal powers of Europe are engaged in war, the rights of neutral nations are endangered. This consideration led, in the progress of the war of our Independence, to the formation of the celebrated confederacy of armed neutrality, a primary object of which was, to assert the doctrine, that free ships make free goods, except in the case of articles contraband of war: a doctrine which, from the very commencement of our national being, has been a cherished idea of the statesmen of this country. At one period or another, every maritime power has, by some solemn treaty stipulation, recognized that principle; and it might have been hoped that it would come to be universally received and respected as a rule of international law. But the refusal of one power prevented this, and in the next great war which ensued, that of the French revolution, it failed to be respected among the belligerent states of Europe. Notwithstanding this, the principle is generally admitted to be a sound and salutary one: so much so, that, at the commencement of the existing war in

Europe. Great Britain and France announced their purpose to observe it for the present; not, however, as a recognized international right, but as a mere concession for the time being. The co-operation, however, of these two powerful maritime nations in the interest of neutral rights, appeared to me to afford an occasion, inviting and justifying, on the part of the United States, a renewed effort to make the doctrine in question a principle of international law, by means of special conventions between the several powers of Europe and America. Accordingly, a proposition, embracing not only the rule, that free ships make free goods, except contraband articles, but also the less contested one, that neutral property, other than contraband, though on board enemy's ships, shall be exempt from confiscation, has been submitted by this Government to those of Europe and America.

Russia acted promptly in this matter, and a convention was concluded, between that country and the United States, providing for the observance of the principles announced, not only as between themselves, but also as between them and all other nations, which shall enter into like stipulations. None of the other powers have as yet taken final action on the subject. I am not aware, however, that any objection to the proposed stipulations has been made; but, on the contrary, they are acknowledged to be essential to the security of neutral commerce; and the only apparent obstacle to their general adoption is, in the possibility, that it may be encumbered by inadmissible conditions.

The King of the Two Sicilies has expressed to our Minister at Naples his readiness to concur in our proposition relative to neutral rights, and to enter into a convention on that subject.

The King of Prussia entirely approves of the project of a treaty to the same effect, submitted to him, but proposes an additional article providing for the renunciation of privateering. Such an article, for most obvious reasons, is much desired by nations having naval establishments, large in proportion to their foreign commerce. If it were adopted as an international rule, the commerce of a nation having comparatively a small naval force, would be very much at the mercy of its enemy, in case of war with a power of decided naval superiority. The bare statement of the condition in which the United States would be placed, after having surrendered the right to resort to privateers, in the event of war with a belligerent of naval supremacy, will show that this Government could never listen to such a proposition. The navy of the first maritime power in Europe is at least ten times as

large as that of the United States. The foreign commerce of the two countries is nearly equal, and about equally exposed to hostile depredations. In war between that power and the United States, without resort on our part to our mercantile marine, the means of our enemy to inflict injury upon our commerce would be tenfold greater than ours to retaliate. We could not extricate our country from this unequal condition, with such an enemy, unless we at once departed from our present peaceful policy, and become a great naval power. Nor would this country be better situated, in war with one of the secondary naval powers. Though the naval disparity would be less, the greater extent, and more exposed condition of our wide-spread commerce, would give any of them a like advantage over us.

The proposition to enter into engagements to forego a resort to privateers, in case this country should be forced into war with a great naval power, is not entitled to more favorable consideration than would be a proposition, to agree not to accept the services of volunteers for operations on land. When the honor or the rights of our country require it to assume a hostile attitude, it confidently relies upon the patriotism of its citizens, not ordinarily devoted to the military profession, to augment the army and the navy, so as to make them fully adequate to the emergency which calls them into action. The proposal to surrender the right to employ privateers is professedly founded upon the principle, that private property of unoffending non-combatants, though enemies, should be exempt from the ravages of war; but the proposed surrender goes but little way in carrying out that principle, which equally requires that such private property should not be seized or molested by national ships of war. Should the leading powers of Europe concur in proposing, as a rule of international law, to exempt private property, upon the ocean, from seizure by public armed cruisers, as well as by privateers, the United States will readily meet them upon that broad ground.

Since the adjournment of Congress, the ratifications of the treaty between the United States and Great Britain, relative to coast fisheries, and to reciprocal trade with the British North American provinces, have been exchanged, and some of its anticipated advantages are already enjoyed by us, although its full execution was to abide certain acts of legislation not yet fully performed. So soon as it was ratified, Great Britain opened to our commerce the free navigation of the river St. Lawrence, and to our fishermen unmolested access to the shores and bays, from which they had been pre-

viously excluded, on the coasts of her North American provinces; in return for which, she asked for the introduction, free of duty, into the ports of the United States, of the fish caught on the same coast by British fishermen. This being the compensation, stipulated in the treaty, for privileges of the highest importance and value to the United States, which were thus voluntarily yielded before it became effective, the request seemed to me to be a reasonable one; but it could not be acceded to, from want of authority to suspend our laws imposing duties upon all foreign fish. In the meantime, the Treasury Department issued a regulation, for ascertaining the duties paid or secured by bonds on fish caught on the coasts of the British provinces, and brought to our markets by British subjects, after the fishing grounds had been made fully accessible to the citizens of the United States. I recommend to your favorable consideration a proposition, which will be submitted to you, for authority to refund the duties and cancel the bonds thus received. The provinces of Canada and New Brunswick have also anticipated the full operation of the treaty, by legislative arrangements, respectively, to admit, free of duty, the products of the United States mentioned in the free list of the treaty; and an arrangement, similar to that regarding British fish, has been made for duties now chargeable on the products of those provinces enumerated in the same free list, and introduced therefrom into the United States; a proposition for refunding which will, in my judgment, be in like manner entitled to your favorable consideration.

There is difference of opinion between the United States and Great Britain, as to the boundary line of the Territory of Washington, adjoining the British possessions on the Pacific, which has already led to difficulties on the part of the citizens and local authorities of the two governments. I recommend that provision be made for a commission, to be joined by one on the part of her Britannic Majesty, for the purpose of running and establishing the line in controversy. Certain stipulations of the third and fourth articles of the treaty concluded by the United States and Great Britain, in 1846, regarding possessory rights of the Hudson's Bay Company, and property of the Puget's Sound Agricultural Company, have given rise to serious disputes, and it is important, to all concerned, that summary means of settling them amicably should be devised. I have reason to believe that an arrangement can be made, on just terms, for the extinguishment of the rights in question, embracing, also, the right of the Hudson's Bay Company to the navigation of the river Colum-

bia; and I therefore suggest to your consideration, the expediency of making a contingent appropriation for that purpose.

France was the early and efficient ally of the United States in their struggle for independence. From that time, to the present, with occasional slight interruptions, cordial relations of friendship have existed between the governments and people of the two countries. The kindly sentiments, cherished alike by both nations, have led to extensive social and commercial intercourse, which, I trust, will not be interrupted or checked by any casual event of an apparently unsatisfactory character. The French consul at San Francisco was, not long since, brought into the United States district court at that place, by compulsory process, as a witness in favor of another foreign consul, in violation, as the French government conceives, of his privileges under our consular convention with France. There being nothing in the transaction which could imply any disrespect to France or its consul, such explanation has been made, as, I hope, will be satisfactory. Subsequently, misunderstanding arose on the subject of the French government having, as it appeared, abruptly excluded the American minister to Spain from passing through France, on his way from London to Madrid. But that Government has unequivocally disavowed any design to deny the right of transit to the minister of the United States; and, after explanations to this effect, he has resumed his journey, and actually returned through France to Spain. I herewith lay before Congress the correspondence on this subject between our envoy at Paris, and the minister of foreign relations of the French government.

The position of our affairs with Spain, remains as at the close of your last session. Internal agitation, assuming very nearly the character of political revolution, has recently convulsed that country. The late ministers were violently expelled from power, and men, of very different views in relation to its internal affairs, have succeeded. Since this change, there has been no propitious opportunity to resume, and press on, negotiations for the adjustment of serious questions of difficulty between the Spanish government and the United States. There is reason to believe that our minister will find the present government more favorably inclined, than the preceding, to comply with our just demands, and to make suitable arrangements for restoring harmony, and preserving peace, between the two countries.

Negotiations are pending with Denmark to discontinue the practice of levying tolls on our vessels and their cargoes passing through the Sound. I do not doubt that we can

claim exemption therefrom, as a matter of right. It is admitted on all hands that this exaction is sanctioned, not by the general principles of the law of nations, but only by special conventions, which most of the commercial nations have entered into with Denmark. The fifth article of our treaty of 1826, with Denmark, provides that there shall not be paid on the vessels of the United States and their cargoes when passing through the Sound, higher duties than those of the most favored nations. This may be regarded as an implied agreement to submit to the tolls during the continuance of the treaty; and, consequently, may embarrass the assertion of our right to be released therefrom. There are also other provisions in the treaty which ought to be modified. It was to remain in force for ten years, and until one year after either party should give notice to the other of intention to terminate it. I deem it expedient that the contemplated notice should be given to the government of Denmark.

The naval expedition despatched about two years since for the purpose of establishing relations with the empire of Japan has been ably and skilfully conducted to a successful termination by the officer to whom it was entrusted. A treaty, opening certain of the ports of that populous country, has been negotiated; and in order to give full effect thereto, it only remains to exchange ratifications, and adopt requisite commercial regulations.

The treaty lately concluded between the United States and Mexico settled some of our most embarrassing difficulties with that country, but numerous claims upon it for wrongs and injuries to our citizens remained unadjusted, and many new cases have been recently added to the former list of grievances. Our legation has been earnest in its endeavors to obtain from the Mexican government a favorable consideration of these claims, but hitherto without success. This failure is, probably, in some measure, to be ascribed to the disturbed condition of that country. It has been my anxious desire to maintain friendly relations with the Mexican republic, and to cause its rights and territories to be respected, not only by our citizens, but by foreigners, who have resorted to the United States for the purpose of organizing hostile expeditions against some of the States of that republic. The defenceless condition in which its frontiers have been left has stimulated lawless adventurers to embark in these enterprises, and greatly increased the difficulty of enforcing our obligations of neutrality. Regarding it as my solemn duty to fulfil, efficiently, these obligations, not only towards Mexico, but other foreign nations, I have exerted all the

powers with which I am invested to defeat such proceedings, and bring to punishment those who, by taking a part therein, violated our laws. The energy and activity of our civil and military authorities have frustrated the designs of those who meditated expeditions of this character, except in two instances. One of these, composed of foreigners, was at first countenanced and aided by the Mexican government itself, it having been deceived as to their real object. The other, small in number, eluded the vigilance of the magistrates at San Francisco, and succeeded in reaching the Mexican territories; but the effective measures taken by this government compelled the abandonment of the undertaking.

The commission to establish the new line between the United States and Mexico, according to the provisions of the treaty of the 30th of December last, has been organized, and the work is already commenced.

Our treaties with the Argentine Confederation, and with the Republics of Uruguay and Paraguay, secure to us the free navigation of the river La Plata and some of its larger tributaries; but the same success has not attended our endeavors to open the Amazon. The reasons in favor of the free use of that river I had occasion to present fully in a former message; and, considering the cordial relations which have long existed between this government and Brazil, it may be expected that pending negotiations will, eventually, reach a favorable result.

Convenient means of transit between the several parts of a country are not only desirable for the objects of commercial and personal communication, but essential to its existence under one government. Separated as are the Atlantic and Pacific coasts of the United States by the whole breadth of the continent, still the inhabitants of each are closely bound together by community of origin and institutions, and by strong attachment to the Union. Hence the constant and increasing intercourse and vast interchange of commercial productions between these remote divisions of the Republic. At the present time the most practicable and only commodious routes for communication between them are by the way of the Isthmus of Central America. It is the duty of the government to secure these avenues against all danger of interruption.

In relation to Central America, perplexing questions existed between the United States and Great Britain at the time of the cession of California. These, as well as questions which subsequently arose concerning inter-oceanic communication across the Isthmus, were, as it was supposed, adjusted

by the treaty of April 19, 1850; but, unfortunately, they have been repared by serious misunderstanding as to the import of some of its provisions, a re-adjustment of which is now under consideration. Our minister at London has made strenuous efforts to accomplish this desirable object, but has not yet found it possible to bring the negotiations to a termination.

As incidental to these questions, I deem it proper to notice an occurrence which happened in Central America, near the close of the last session of Congress. So soon as the necessity was perceived of establishing inter-oceanic communications across the Isthmus, a company was organized, under authority of the State of Nicaragua, but composed, for the most part, of citizens of the United States, for the purpose of opening such a transit way by the river San Juan and Lake Nicaragua, which soon became an eligible and much used route in the transportation of our citizens and their property between the Atlantic and Pacific. Meanwhile, and in anticipation of the completion and importance of this transit way, a number of adventurers had taken possession of the old Spanish port at the mouth of the river San Juan, in open defiance of the State or States of Central America, which, upon their becoming independent, had rightfully succeeded to the local sovereignty and jurisdiction of Spain. These adventurers undertook to change the name of the place from San Juan del Norte to Greytown, and, though at first pretending to act as the subjects of the fictitious sovereign of the Mosquito Indians, they subsequently repudiated the control of any power whatever, assumed to adopt a distinct political organization, and declared themselves an independent sovereign state. If, at some time, a faint hope was entertained that they might become a stable and respectable community, that hope soon vanished. They proceeded to assert unfounded claims to civil jurisdiction over Punta Arenas, a position on the opposite side of the river San Juan, which was in possession, under a title wholly independent of them, of citizens of the United States, interested in the Nicaragua Transit Company, and which was indispensably necessary to the prosperous operation of that route across the Isthmus. The Company resisted their groundless claims; whereupon they proceeded to destroy some of its buildings, and attempted violently to dispossess it.

At a later period they organized a strong force for the purpose of demolishing the establishment at Punta Arenas, but this mischievous design was defeated by the interposition of one of our ships of war, at that time in the harbor of

San Juan. Subsequently to this, in May last, a body of men from Greytown crossed over to Punta Arenas, arrogating authority to arrest, on the charge of murder, a captain of one of the steamboats of the Transit Company. Being well aware that the claim to exercise jurisdiction there would be resisted then, as it had been on previous occasions, they went prepared to assert it by force of arms. Our minister to Central America happened to be present on that occasion. Believing that the captain of the steamboat was innocent, for he witnessed the transaction on which the charge was founded, and believing, also, that the intruding party, having no jurisdiction over the place where they proposed to make the arrest, would encounter desperate resistance if they persisted in their purpose, he interposed, effectually, to prevent violence and bloodshed. The American minister afterwards visited Greytown, and whilst he was there, a mob, including certain of the so-called public functionaries of the place, surrounded the house in which he was, avowing that they had come to arrest him by order of some person exercising the chief authority. While parleying with them he was wounded by a missile from the crowd. A boat, despatched from the American steamer "Northern Light" to release him from the perilous situation in which he was understood to be, was fired into by the town guard, and compelled to return. These incidents, together with the known character of the population of Greytown, and their excited state, induced just apprehensions that the lives and property of our citizens at Punta Arenas would be in imminent danger after the departure of the steamer, with her passengers, for New York, unless a guard was left for their protection. For this purpose, and in order to ensure the safety of passengers and property passing over the route, a temporary force was organized, at considerable expense to the United States, for which provision was made at the last session of Congress.

This pretended community, a heterogeneous assemblage gathered from various countries, and composed, for the most part, of blacks and persons of mixed blood, had previously given other indications of mischievous and dangerous propensities. Early in the same month, property was clandestinely abstracted from the depot of the Transit Company, and taken to Greytown. The plunderers obtained shelter there, and their pursuers were driven back by its people, who not only protected the wrongdoers and shared the plunder, but treated with rudeness and violence those who sought to recover their property.

Such, in substance, are the facts submitted to my consider-

ation, and proved by trustworthy evidence. I could not doubt that the case demanded the interposition of this government. Justice required that reparation should be made for so many and such gross wrongs, and that a course of insolence and plunder, tending directly to the insecurity of the lives of numerous travellers, and of the rich treasure belonging to our citizens, passing over this transit way, should be peremptorily arrested. Whatever it might be in other respects, the community in question, in power to do mischief, was not despicable. It was well provided with ordnance, small arms, and ammunition, and might easily seize on the unarmed boats, freighted with millions of property, which passed almost daily within its reach. It did not profess to belong to any regular government, and had, in fact, no recognized dependence on, or connection with, any one to which the United States or their injured citizens might apply for redress, or which could be held responsible, in any way, for the outrages committed. Not standing before the world in the attitude of an organized political society, being neither competent to exercise the rights nor discharge the obligations of a government, it was, in fact, a marauding establishment, too dangerous to be disregarded, and too guilty to pass unpunished, and yet incapable of being treated in any other way than as a piratical resort of outlaws, or a camp of savages, depredating on emigrant trains or caravans and the frontier settlements of civilized States.

Seasonable notice was given to the people of Greytown that this Government required them to repair the injuries they had done to our citizens, and to make suitable apology for their insult of our minister, and that a ship-of-war would be despatched thither to enforce compliance with these demands. But the notice passed unheeded. Thereupon, a commander of the navy, in charge of the sloop-of-war "Cyane," was ordered to repeat the demands, and to insist upon a compliance therewith. Finding that neither the populace, nor those assuming to have authority over them, manifested any disposition to make the required reparation, or even to offer excuse for their conduct, he warned them, by a public proclamation, that if they did not give satisfaction within a time specified, he would bombard the town. By this procedure he afforded them opportunity to provide for their personal safety. To those also, who desired to avoid loss of property, in the punishment about to be inflicted on the offending town, he furnished the means of removing their effects, by the boats of his own ship, and of a steamer which he procured and tendered to them for that purpose. At length, perceiving no disposi-

tion on the part of the town to comply with his requisitions, he appealed to the commander of her Britannic Majesty's schooner "Bermuda," who was seen to have intercourse, and apparently much influence with the leaders among them,—to interpose, and persuade them to take some course calculated to save the necessity of resorting to the extreme measure indicated in his proclamation; but that officer, instead of acceding to the request, did nothing more than to protest against the contemplated bombardment. No steps of any sort were taken, by the people, to give the satisfaction required. No individuals, if any there were, who regarded themselves as not responsible for the misconduct of the community, adopted any means to separate themselves from the fate of the guilty. The several charges, on which the demands for redress were founded, had been publicly known to all for some time, and were again announced to them. They did not deny any of these charges; they offered no explanation, nothing in extenuation of their conduct; but contumaciously refused to hold any intercourse with the commander of the "Cyane." By their obstinate silence they seemed rather desirous to provoke chastisement than to escape it. There is ample reason to believe that this conduct of wanton defiance, on their part, is imputable chiefly to the delusive idea that the American government would be deterred from punishing them, through fear of displeasing a formidable foreign power, which, they presumed to think, looked with complacency upon their aggressive and insulting deportment towards the United States. The "Cyane" at length fired upon the town. Before much injury had been done, the fire was twice suspended, in order to afford opportunity for an arrangement; but this was declined. Most of the buildings of the place, of little value generally, were, in the sequel, destroyed; but, owing to the considerate precautions taken by our naval commander, there was no destruction of life.

When the "Cyane" was ordered to Central America, it was confidently hoped and expected that no occasion would arise for "a resort to violence and destruction of property and loss of life." Instructions to that effect were given to her commander. And no extreme act would have been requisite had not the people themselves, by their extraordinary conduct in the affair, frustrated all the possible mild measures for obtaining satisfaction. A withdrawal from the place, the object of his visit entirely defeated, would, under the circumstances in which the commander of the "Cyane" found himself, have been absolute abandonment of all claim of our citizens for indemnification, and submissive acquiescence in national indig-

nity. It would have encouraged in these lawless men a spirit of insolence and rapine most dangerous to the lives and property of our citizens at Punta Arenas, and probably emboldened them to grasp at the treasures and valuable merchandise continually passing over the Nicaragua route. It certainly would have been most satisfactory to me if the objects of the "Cyane's" mission could have been consummated without any act of public force; but the arrogant contumacy of the offenders rendered it impossible to avoid the alternative, either to break up their establishment, or to leave them impressed with the idea that they might persevere with impunity in a career of insolence and plunder.

This transaction has been the subject of complaint on the part of some foreign powers, and has been characterized with more of harshness than of justice. If comparisons were to be instituted, it would not be difficult to present repeated instances in the history of States, standing in the very front of modern civilization, where communities, far less offending and more defenceless than Greytown, have been chastised with much greater severity, and where not cities only have been laid in ruins, but human life has been recklessly sacrificed, and the blood of the innocent made profusely to mingle with that of the guilty.

Passing from foreign to domestic affairs, your attention is naturally directed to the financial condition of the country, always a subject of general interest. For complete and exact information regarding the finances, and the various branches of the public service connected therewith, I refer you to the report of the Secretary of the Treasury; from which it will appear, that the amount of revenue during the last fiscal year, from all sources, was seventy-three million five hundred and forty-nine thousand seven hundred and five dollars; and that the public expenditures for the same period, exclusive of payments on account of the public debt, amounted to fifty-one million eighteen thousand two hundred and forty-nine dollars. During the same period, the payments made in redemption of the public debt, including interest and premium, amounted to twenty-four million three hundred and thirty-six thousand three hundred and eighty dollars. To the sum total of the receipts of that year is to be added a balance remaining in the Treasury at the commencement thereof, amounting to twenty-one million nine hundred and forty-two thousand eight hundred and ninety-two dollars; and at the close of the same year, a corresponding balance amounting to twenty million one hundred and thirty-seven thousand nine hundred and sixty-seven dollars of receipts above expen-

ditures, also remained in the Treasury. Although, in the opinion of the Secretary of the Treasury, the receipts of the current fiscal year are not likely to equal in amount those of the last, yet they will undoubtedly exceed the amount of expenditures by at least fifteen millions of dollars. I shall, therefore, continue to direct that the surplus revenue be applied, so far as it can be judiciously and economically done, to the reduction of the public debt, the amount of which, at the commencement of the last fiscal year, was sixty-seven million three hundred and forty thousand six hundred and twenty-eight dollars; of which there had been paid on the twentieth day of November 1854, the sum of twenty-two million three hundred and sixty-five thousand one hundred and seventy-two dollars; leaving a balance of outstanding public debt of only forty-four million nine hundred and seventy-five thousand four hundred and fifty-six dollars, redeemable at different periods within fourteen years. There are also remnants of other government stocks, most of which are already due, and on which the interest has ceased, but which have not yet been presented for payment, amounting to two hundred and thirty-three thousand one hundred and seventy-nine dollars. This statement exhibits the fact, that the annual income of the government greatly exceeds the amount of its public debt, which latter remains unpaid, only because the time of payment has not yet matured, and it cannot be discharged at once, except at the option of public creditors, who prefer to retain the securities of the United States; and the other fact, not less striking, that the annual revenue from all sources exceeds, by many millions of dollars, the amount needed for a prudent and economical administration of the Government.

The estimates presented to Congress from the different Executive Departments, at the last session, amounted to thirty-eight million four hundred and six thousand five hundred and eighty-one dollars; and the appropriations made, to the sum of fifty-eight million one hundred and sixteen thousand nine hundred and fifty-eight dollars. Of this excess of appropriations over estimates, however, more than twenty millions was applicable to extraordinary objects, having no reference to the usual annual expenditures. Among these objects, was embraced ten millions to meet the third article of the treaty between the United States and Mexico; so that, in fact, for objects of ordinary expenditure, the appropriations were limited to considerably less than forty millions of dollars. I therefore, renew my recommendation for a reduction of the duties on imports. The report of the Secretary of the

Treasury presents a series of tables, showing the operation of the revenue system for several successive years, and as the general principle of reduction of duties with a view to revenue and not to protection may now be regarded as the settled policy of the country, I trust that little difficulty will be encountered in settling the details of a measure to that effect.

In connexion with this subject, I recommend a change in the laws, which recent experience has shown to be essential to the protection of the Government. There is no express provision of law, requiring the records and papers of a public character, of the several officers of the Government, to be left in their offices for the use of their successors, nor any provision declaring it felony on their part to make false entries in the books, or return false accounts. In the absence of such express provision by law, the outgoing officers, in many instances, have claimed and exercised the right to take into their own possession, important books and papers, on the ground that these were their private property; and have placed them beyond the reach of the Government. Conduct of this character, brought in several instances to the notice of the present Secretary of the Treasury, naturally awakened his suspicion, and resulted in the disclosure that at four ports, namely, Oswego, Toledo, Sandusky, and Milwaukie, the treasury had, by false entries, been defrauded, within the four years next preceding March, 1853, of the sum of one hundred and ninety-eight thousand dollars. The great difficulty with which the detection of these frauds has been attended, in consequence of the abstraction of books and papers by the retiring officers, and the facility with which similar frauds in the public service may be perpetrated, render the necessity of new legal enactments, in the respects above referred to, quite obvious. For other material modifications of the revenue laws which seem to me desirable, I refer you to the report of the Secretary of the Treasury. That report, and the tables which accompany it, furnish ample proofs of the solid foundation on which the financial security of the country rests, and of the salutary influence of the independent treasury system upon commerce and all monetary operations.

The experience of the last year furnishes additional reasons, I regret to say, of a painful character, for the recommendation heretofore made, to provide for increasing the military force employed in the territory inhabited by the Indians. The settlers on the frontier have suffered much from the incursions of predatory bands, and large parties of emigrants to our Pacific possessions have been massacred

with impunity. The recurrence of such scenes can only be prevented by teaching these wild tribes the power of, and their responsibility to, the United States. From the garrisons of our frontier posts, it is only possible to detach troops in small bodies; and though these have on all occasions displayed a gallantry and stern devotion to duty, which on a larger field would have commanded universal admiration, they have usually suffered severely in these conflicts with superior numbers, and have sometimes been entirely sacrificed. All the disposable force of the army is already employed on this service, and is known to be wholly inadequate to the protection which should be afforded. The public mind of the country has been recently shocked by savage atrocities committed upon defenceless emigrants and border settlements, and hardly less by the unnecessary destruction of valuable lives, where inadequate detachments of troops have undertaken to furnish the needed aid. Without increase of the military force, these scenes will be repeated, it is to be feared, on a larger scale, and with more disastrous consequences. Congress, I am sure, will perceive that the plainest duties and responsibilities of Government are involved in this question, and I doubt not that prompt action may be confidently anticipated when delay must be attended by such fearful hazards.

The bill of the last session, providing for an increase of the pay of the rank and file of the army has had beneficial results, not only in facilitating enlistments, but in obvious improvements in the class of men who enter the service. I regret that corresponding consideration was not bestowed on the officers, who, in view of their character and services, and the expenses to which they are necessarily subject, receive at present what is, in my judgment, inadequate compensation.

The valuable services constantly rendered by the army, and its inestimable importance, as the nucleus around which the volunteer forces of the nation can promptly gather in the hour of danger, sufficiently attest the wisdom of maintaining a military peace establishment; but the theory of our system and the wise practice under it, require that any proposed augmentation, in time of peace, be only commensurate with our extended limits and frontier relations. While scrupulously adhering to this principle, I find, in existing circumstances, a necessity for increase of our military force, and it is believed that four new regiments, two of infantry and two of mounted men, will be sufficient to meet the present exigency. If it were necessary carefully to weigh the cost in a case of such urgency, it would be shown that the additional expense would be comparatively light.

With the increase of the numerical force of the army should, I think, be combined certain measures of reform in its organic arrangement and administration. The present organization is the result of partial legislation often directed to special objects and interests; and the laws regulating rank and command, having been adopted many years ago from the British code, are not always applicable to our service. It is not surprising, therefore, that the system should be deficient in the symmetry and simplicity essential to the harmonious working of the several parts, and require a careful revision.

The present organization, by maintaining large staff corps or departments, separates many officers from that close connexion with troops, and those active duties in the field, which are deemed requisite to qualify them for the varied responsibilities of high command. Were the duties of the army staff mainly discharged by officers detached from their regiments, it is believed that the special service would be equally well performed, and the discipline and instruction of the army be improved. While due regard to the security of the rights of officers, and to the nice sense of honor which should be cultivated among them, would seem to exact compliance with the established rule of promotion in ordinary cases, still it can hardly be doubted that the range of promotion by selection, which is now practically confined to the grade of general officers, might be somewhat extended with benefit to the public service. Observance of the rule of seniority sometimes leads, especially in time of peace, to the promotion of officers who, after meritorious and even distinguished service, may have been rendered by age or infirmity incapable of performing active duty, and whose advancement, therefore, would tend to impair the efficiency of the army. Suitable provision for this class of officers, by the creation of a retired list, would remedy the evil, without wounding the just pride of men who, by past services, have established a claim to high consideration. In again commending this measure to the favorable consideration of Congress, I would suggest that the power of placing officers on the retired list be limited to one year. The practical operation of the measure would thus be tested, and if, after the lapse of years, there should be occasion to renew the provision, it can be reproduced with any improvements which experience may indicate. The present organization of the artillery into regiments is liable to obvious objections. The service of artillery is that of batteries, and an organization of batteries into a corps of artillery would be more consistent with the nature of their duties. A

large part of the troops now called artillery are, and have been, on duty as infantry; the distinction between the two arms being merely nominal. This nominal artillery in our service is disproportionate to the whole force, and greater than the wants of the country demand. I therefore commend the discontinuance of a distinction, which has no foundation in either the arms used or the character of the service expected to be performed.

In connection with the proposition for the increase of the army, I have presented these suggestions with regard to certain measures of reform, as the complement of a system, which would produce the happiest results from a given expenditure, and which I hope may attract the early attention, and be deemed worthy of the approval, of Congress.

The recommendation of the Secretary of the Navy, having reference to more ample provisions for the discipline and general improvement in the character of seamen, and for the re-organization and gradual increase of the navy, I deem it eminently worthy of your favorable consideration. The principles which have controlled our policy in relation to the permanent military force, by sea and land, are sound, consistent with the theory of our system, and should by no means be disregarded. But, limiting the force to the objects particularly set forth in the preceding part of this message, we should not overlook the present magnitude and prospective extension of our commercial marine, nor fail to give due weight to the fact that, besides the two thousand miles of Atlantic seaboard, we have now a Pacific coast, stretching from Mexico to the British possessions in the north, teeming with wealth and enterprize, and demanding the constant presence of ships-of-war. The augmentation of the navy has not kept pace with the duties properly and profitably assigned to it in time of peace, and it is inadequate for the large field of its operations, not merely in the present but still more in the progressively increasing exigencies of the commerce of the United States. I cordially approve of the proposed apprentice system for our national vessels, recommended by the Secretary of the Navy.

The occurrence, during the last few months, of marine disasters of the most tragic nature, involving great loss of life, has produced intense emotions of sympathy and sorrow throughout the country. It may well be doubted whether all these calamitous events are wholly attributable to the necessary and inevitable dangers of the sea. The merchants, mariners and ship-builders of the United States, are, it is true, unsurpassed in far-reaching enterprize, skill, intelli-

gung and courage, by any others in the world. But, with the increasing amount of our commercial tonnage in the aggregate, and the larger size and improved equipment of the ships now constructed, a deficiency in the supply of reliable seamen begins to be very seriously felt. The inconvenience may, perhaps, be met, in part, by due regulation for the introduction, into our merchant ships, of indented apprentices; which, while it would afford useful and eligible occupation to numerous young men, would have a tendency to raise the character of seamen as a class. And it is deserving of serious reflection, whether it may not be desirable to revise the existing laws for the maintenance of discipline at sea, upon which the security of life and property on the ocean must, to so great an extent depend. Although much attention has already been given by Congress to the proper construction and arrangement of steam vessels and all passenger ships, still it is believed that the resources of science and mechanical skill in this direction, have not been exhausted. No good reason exists for the marked distinction, which appears upon our statutes between the laws for protecting life and property at sea, and those for protecting them on land. In most of the States severe penalties are provided to punish conductors of trains, engineers, and others employed in the transportation of persons by railway, or by steamboats on rivers. Why should not the same principle be applied to acts of insubordination, cowardice, or other misconduct on the part of masters and mariners, resulting in injury or death to passengers on the high seas, beyond the jurisdiction of any of the States, and where such delinquencies can be reached only by the power of Congress? The whole subject is earnestly commended to your consideration.

The report of the Postmaster General, to which you are referred for many interesting details in relation to this important and rapidly extending branch of the public service, shows that the expenditure of the year ending June 30, 1854, including one hundred and thirty-three thousand four hundred and eighty-three dollars of balance due to foreign offices, amounted to eight million seven hundred and ten thousand nine hundred and seven dollars. The gross receipts during the same period amounted to six million nine hundred and fifty-five thousand five hundred and eighty-six dollars: exhibiting an expenditure over income of one million seven hundred and fifty-five thousand three hundred and twenty-one dollars, and a diminution of deficiency, as compared with the last year, of three hundred and sixty-one

thousand seven hundred and fifty-six dollars. The increase of the revenue of the department, for the year ending June 30, 1854, over the preceding year, was nine hundred and seventy thousand three hundred and ninety-nine dollars. No proportionate increase, however, can be anticipated for the current year, in consequence of the act of Congress of June 23, 1854, providing for increased compensation to all postmasters. From these statements it is apparent that the Post Office Department, instead of defraying its expenses, according to the design at the time of its creation, is now, and under existing laws must continue to be, to no small extent, a charge upon the general treasury. The cost of mail transportation, during the year ending June 30, 1854, exceeds the cost of the preceding year by four hundred and ninety-five thousand and seventy-four dollars. I again call your attention to the subject of mail transportation by ocean steamers, and commend the suggestions of the Postmaster General to your early attention.

During the last fiscal year eleven million seventy thousand nine hundred and thirty-five acres of the public lands have been surveyed, and eight million one hundred and ninety thousand and seventeen acres brought into market. The number of acres sold is seven million thirty-five thousand seven hundred and thirty-five, and the amount received therefor nine million two hundred and eighty-five thousand five hundred and thirty-three dollars. The aggregate amount of lands sold, located under military scrip and land warrants, selected as swamp lands by States, and by locating under grants for roads, is upwards of twenty-three millions of acres. The increase of lands sold, over the previous year, is about six millions of acres; and the sales during the two first quarters of the current year present the extraordinary result of five and a half millions sold, exceeding by nearly four millions of acres the sales of the corresponding quarters of the last year.

The commendable policy of the Government, in relation to setting apart public domain for those who have served the country in time of war, is illustrated by the fact, that since 1790 no less than thirty millions of acres have been applied to this object.

The suggestions, which I submitted in my annual message of last year, in reference to grants of land in aid of the construction of railways, were less full and explicit than the magnitude of the subject and subsequent developments would seem to render proper and desirable. Of the soundness of the principle then asserted with regard to the limitation of

the power of Congress, I entertain no doubt; but in its application it is not enough that the value of lands in a particular locality may be enhanced; that, in fact, a larger amount of money may probably be received, in a given time, for alternate sections, than could have been realised for all the sections, without the impulse and influence of the proposed improvements. A prudent proprietor looks beyond limited sections of his domain, beyond present results, to the ultimate effect which a particular line of policy is likely to produce upon all his possessions and interests. The Government, which is trustee, in this matter, for the people of the States, is bound to take the same wise and comprehensive view. Prior to and during the last session of Congress, upwards of thirty millions of acres of land were withdrawn from public sale with a view to applications for grants of this character pending before Congress. A careful review of the whole subject led me to direct that all such orders be abrogated, and the lands restored to market; and instructions were immediately given to that effect. The applications at the last session, contemplated the construction of more than five thousand miles of road, and grants to the amount of nearly twenty millions of acres of the public domain. Even admitting the right on the part of Congress to be unquestionable, is it quite clear that the proposed grants would be productive of good, and not evil? The different projects are confined, for the present, to eleven States of this Union, and one Territory. The reasons assigned for the grants, show that it is proposed to put the works speedily in process of construction. When we reflect, that since the commencement of the construction of railways in the United States, stimulated as they have been by the large dividends realised from the earlier works over the great thoroughfares, and between the most important points of commerce and population, encouraged by State legislation, and pressed forward by the amazing energy of private enterprise, only seventeen thousand miles have been completed in all the States in a quarter of a century;—when we see the crippled condition of many works commenced and prosecuted upon what were deemed to be sound principles and safe calculations;—when we contemplate the enormous absorption of capital withdrawn from the ordinary channels of business, the extravagant rates of interest at this moment paid to continue operations, the bankruptcies not merely in money, but in character, and the inevitable effect upon finances generally; can it be doubted that the tendency is to run to excess in this matter? Is it wise to augment this excess by encour-

aging hopes of sudden wealth expected to flow from magnificent schemes dependent upon the action of Congress? Does the spirit which has produced such results need to be stimulated or checked? Is it not the better rule to leave all these works to private enterprize, regulated, and when expedient, aided, by the co-operation of States? If constructed by private capital, the stimulant and the check go together, and furnish a salutary restraint against speculative schemes and extravagance. But it is manifest that, with the most effective guards, there is danger of going too fast and too far.

We may well pause before a proposition contemplating a simultaneous movement for the construction of railroads, which, in extent, will equal, exclusive of the great Pacific road and all its branches, nearly one-third of the entire length of such works, now completed, in the United States, and which cannot cost, with equipments, less than one hundred and fifty millions of dollars. The dangers likely to result from combinations of interests of this character, can hardly be over estimated. But, independently of these considerations, where is the accurate knowledge, the comprehensive intelligence, which shall discriminate between the relative claims of these twenty-eight proposed roads, in eleven States and one Territory? Where will you begin, and where end? If to enable these companies to execute their proposed works, it is necessary that the aid of the General Government be primarily given, the policy will present a problem so comprehensive in its bearings, and so important to our political and social well being, as to claim, in anticipation, the severest analysis. Entertaining these views, I recur with satisfaction to the experience and action of the last session of Congress, as furnishing assurance that the subject will not fail to elicit a careful re-examination and rigid scrutiny.

It was my intention to present, on this occasion, some suggestions regarding internal improvements by the General Government, which want of time at the close of the last session prevented my submitting on the return to the House of Representatives, with objections, of the bill entitled, "an act making appropriation for the repair, preservation and completion of certain public works heretofore commenced under authority of law;" but the space in this communication already occupied with other matter of immediate public exigency constrains me to reserve that subject for a special message, which will be transmitted to the two houses of Congress at an early day.

The judicial establishment of the United States requires modification, and certain reforms in the manner of conducting the legal business of the Government are also much needed; but as I have addressed you upon both of these subjects at length before, I have only to call your attention to the suggestions then made.

My former recommendations, in relation to suitable provision for various objects of deep interest to the inhabitants of the District of Columbia, are renewed. Many of these objects partake largely of a national character, and are important, independently of their relation to the prosperity of the only considerable organized community in the Union, entirely unrepresented in Congress.

I have thus presented suggestions on such subjects as appear to me to be of particular interest or importance, and therefore most worthy of consideration during the short remaining period allotted to the labors of the present Congress.

Our forefathers of the thirteen United Colonies, in acquiring their independence, and in founding this Republic of the United States of America, have devolved upon us, their descendants, the greatest and the most noble trust ever committed to the hands of man, imposing upon all, and especially such as the public will may have invested, for the time being, with political functions, the most sacred obligations. We have to maintain inviolate the great doctrine of the inherent right of popular self-government; to reconcile the largest liberty of the individual citizen, with complete security of the public order; to render cheerful obedience to the laws of the land, to unite in enforcing their execution, and to frown indignantly on all combinations to resist them; to harmonize a sincere and ardent devotion to the institutions of religious faith with the most universal religious toleration; to preserve the rights of all by causing each to respect those of the other; to carry forward every social improvement to the uttermost limit of human perfectibility, by the free action of mind upon mind, not by the obtrusive intervention of misapplied force; to uphold the integrity and guard the limitations of our organic law; to preserve sacred from all touch of usurpation, as the very palladium of our political salvation, the reserved rights and powers of the several States and of the people; to cherish, with loyal fealty and devoted affection, this Union, as the only sure foundation on which the hopes of civil liberty rest; to administer government with vigilant integrity and rigid economy; to cultivate peace and friendship with foreign nations, and to demand and exact equal

justice from all, but to do wrong to none; to eschew intermeddling with the national policy and the domestic repose of other governments, and to repel it from our own; never to shrink from war when the rights and the honor of the country call us to arms, but to cultivate in preference the arts of peace, seek enlargement of the rights of neutrality, and elevate and liberalize the intercourse of nations; and by such just and honorable means, and such only, whilst exalting the condition of the Republic, to assure to it the legitimate influence and the benign authority of a great example amongst all the powers of Christendom.

Under the solemnity of these convictions, the blessing of Almighty God is earnestly invoked to attend upon your deliberations, and upon all the counsels and acts of the government, to the end that, with common zeal and common efforts, we may, in humble submission to the Divine will, co-operate for the promotion of the supreme good of these United States.

FRANKLIN PIERCE.

WASHINGTON, *December 4, 1854.*

CORRESPONDENCE,

ACCOMPANYING THE PRESIDENT'S MESSAGE.

Mr. Mason to Secretary Marcy.

[No. 37.]

LEGATION UNITED STATES,

PARIS, October 30, 1854.

SIR: An incident of very grave import has transpired. In my No. 36, I communicated the intelligence that Mr. Soulé, United States Minister to Spain, had been prohibited, by alleged orders of the Emperor's government, from entering France.

That I might, without delay, ascertain the facts of this extraordinary and unusual proceeding, I sent Mr. Piatt, secretary of this legation, to Dover, to communicate with Mr. Soulé. He left Paris in the evening of the 25th, and on his arrival, finding that Mr. Soulé had left Dover, he proceeded to London, where he had an interview with that gentleman. The order forbidding his entering France, was wholly unknown to Mr. Soulé, and he assures me, that neither by deed nor by words, uttered or written, had he afforded a shadow of excuse for the wanton measure which, in violation of his rights as a citizen of the North American Republic, and of his privileges as one of its accredited ministers, has inter-

dicted to him a passage through France on his way back to Madrid.

I lost no time after the return of Mr. Piatt, in addressing to the Minister of Foreign Affairs, under date of the 26th instant, a communication, of which I send you a copy. It was sent to the Foreign Office on the 28th, and I have not yet received an answer.

It is impossible not to regard this humiliating indignity as deeply injurious, when it is remembered that Mr. Soulé, acting under your orders, has recently spent more than two weeks in Paris; and while sojourning here neither he nor I received any intimation that his presence was objected to by the French government.

Seeing no adequate cause to justify an unfriendly feeling towards the United States, I cannot but hope that the French government, finding that it has acted on erroneous information, will at once redress this grievous wrong.

If in this I am disappointed, earnest as I have been since I have represented our country at this court to cultivate the most cordial relations of amity between the two countries, I must consider this incident of such grave importance that it is not impossible I shall regard it to be my duty to terminate my mission by demanding my passports. I will not lose a moment in keeping you advised of the reply to my note, and of the progress of events in connexion with this most extraordinary affair.

I have the honor to be, very respectfully, your obedient servant,

J. Y. MASON.

Mr. Mason to M. Drouyn de L'Huys.

LEGATION DES ETATS UNIS,

PARIS, October 27, 1854.

MR. DROUYN DE L'HUYS, Minister Foreign Affairs:

SIR: I have received information that on the 24th inst. Mr. Soulé, on his arrival at Calais from the shores of England, was notified by a police officer that orders had been given by the imperial government that he should not be permitted to enter France, and that by these orders he was compelled to return to England, where he now remains. Mr. Soulé is a citizen of the United States, accredited as an Envoy Extraordinary and Minister Plenipotentiary from his country to the court of Spain. He had, in executing the orders of his government, visited Paris and London, and was returning to his post at Madrid, by the most usual and convenient route through the territories of France,

when he was thus arrested in his journey. He had received no notice of the determination of the Emperor's government to deny him a privilege awarded by all nations to citizens or subjects of friendly powers travelling under their protection, and especially those who are clothed with the sacred character of public ministers; for he was actually arrested in his journey some hours before I received the intimations in regard to him which you did me the honor to give me in the afternoon of the 24th inst.

If authorized by the Emperor's government, it cannot but be regarded by the government and people of the United States not only as a most unusual and humiliating act towards the minister personally, but as a national indignity of very grave character, only to be extenuated by facts established by conclusive proof. Without waiting for special instructions to that effect, I regard it as my imperative duty to hasten to ask for what reasons one of my fellow-citizens, chosen by my country as a representative to a foreign power, has been so treated, while relations of amity and peace exist and are cherished by the United States with France. My government will be filled with painful anxiety until satisfactory information in reply to this inquiry can be communicated. I cannot but hope that your excellency will furnish me with such explanations as may relieve the minister from the position in which he has thus been placed, and which will enable me to allay the unpleasant feelings which the intelligence of this occurrence will occasion in the United States.

I avail myself of this opportunity to renew to your excellency the assurances of the high consideration with which I am your humble and obedient servant,

J. Y. MASON.

Mr. Mason to Secretary Marcy.

[No. 41.]

LEGATION UNITED STATES,

PARIS, November 11, 1854.

SIR: In my despatch No. 37, I informed you of occurrences at Calais by which Mr. Soulé was interrupted in the prosecution of his journey to Spain; and with that despatch I sent you a copy of my letter to M. Drouyn de l'Huys, Minister of Foreign Affairs, of 27th October last. On the 1st of November I received from his excellency a note in reply to mine of that date. I send the original, retaining a copy for the files of the legation. Until the receipt of this note, I had understood the prohibition of Mr. Soulé's entering

France to be unqualified; and such, too, was the understanding of that gentleman: for by reason of its execution he had to return to England.

On the 6th instant I addressed to the Minister of Foreign Affairs a communication of which I send you herewith a copy. I have received no reply, and presume that it will conclude a correspondence which I felt it to be my duty to open without waiting for special instructions from the President. The result, I am happy to say, is that no impediment exists to the passage of the American minister accredited to the Spanish government through France to his place of official duty. This is recognized, beyond doubt, as a principle of the law of nations, interesting to every country, because its denial would seriously embarrass the maintenance of diplomatic missions, whose influence in promoting peace and preserving good relations in the family of nations is universally acknowledged.

I communicated to Mr. Soulé, at London, my correspondence with the Emperor's government; and on the morning of the 9th instant he arrived in Paris, and left on the 11th for Bordeaux, where he expects to find the United States steam-frigate *San Jacinto*, in which he will take passage for Spain.

I have the honor to be, very respectfully, your obedient servant.

J. Y. MASON.

Hon. WM. L. MARCY, Secretary of State.

M. Drouyn de l'Huys to Mr. Mason.

[Translation.]

PARIS, November 1, 1854.

SIR: I have received the letter you did me the honor to write me, under date of the 27th of the last month, in which you ask me for some explanations as to the motives of the determination taken with regard to Mr. Soulé. I must, in the first place, state the manner in which things have occurred.

The Minister of the Interior had to give directions that Mr. Soulé should not be allowed to penetrate into France without the knowledge of the government of the Emperor. The instructions of Mr. Billant were strictly followed, and carried out with the utmost propriety by the commissary of police at Calais. Accordingly, that functionary did not invite Mr. Soulé to embark again for England; he left him perfectly free to remain at Calais until he should receive orders from Paris, which he was about to request. It was simply a

question of waiting patiently for one day at the utmost; but Mr. Soulé, after saying that he did not expect any regard on the part of the French government, and that, besides, he did not care for it, preferred to go back to England immediately. The Minister of the Interior did, nevertheless, forward his definitive instructions to Calais by telegraph, and I can do nothing better than transcribe them here:

"If Mr. Soulé presents himself for the purpose of entering France, you will give him to understand that the Emperor's government does not authorize him to sojourn there, but that it makes no opposition to his passing through in order to go to Spain; and you will offer him to rise his passport for that destination."

You perceive, sir, that the government of the Emperor has not sought, as you seem to believe, to prevent an envoy of the United States from traversing French territory in order to repair to his post and acquit himself of the commission of which he was charged by his Government; but between that simple passage and the stay of a foreigner whose antecedents (I regret to say it) have awakened the attention of the authorities whose duty it is to preserve public order among us, there is a difference which the Minister of the Interior was bound to appreciate. If Mr. Soulé had been going directly to Madrid, the route by France was open to him. If it was his intention to come to Paris with a view of remaining here, that privilege was not accorded him. It was, therefore, necessary to consult him as to his intentions, and it was himself who would not allow time to do so.

Our laws are strict with respect to foreigners. The Minister of the Interior causes their rigorous provisions to be executed when it is shown him that there is any necessity for such action; and even then he makes use of discretionary power, which the government of the Emperor has never allowed to be discussed. The quality of foreigner on the part of Mr. Soulé placed him within the scope of the measure of which he was the object. All that remained was to reconcile this measure with the public character with which he was invested. You will acknowledge, sir, that this is what we have done, and that the government of the United States, with which government his Majesty the Emperor has at heart to cultivate the relations of friendship and esteem, has in no-wise been assailed in the person of one of its representatives.

The Minister of the United States in Spain is free, I repeat it, to pass through France. Mr. Soulé, who has no mission to fulfil near the Emperor, and who, conformably with the doctrine sanctioned by the law of nations, would need, on ac-

count of his origin, a special agreement to enable him to represent in his native land the country of his adoption—Mr. Soulé, as a simple private individual, comes within the pale of the common law which has been applied to him, and he cannot lay claim to any privileges.

Accept, sir, the assurance of high consideration with which I have the honor to remain your very humble and obedient servant.

DROUYN DE L'HUYS.

Mr. MASON, United States Minister.

Mr. Mason to M. Drouyn de l'Huys.

LEGATION UNITED STATES,

PARIS, November 6, 1854.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 1st of November, in reply to mine of the 27th of October ultimo. I have carefully examined your narrative of circumstances which led to the event and gave occasion for this correspondence. It is quite manifest that the order under which the commissary of police at Calais acted, when he interdicted Mr. Soulé's entrance into France, did not present to the American minister any alternative but to return to England or remain in Calais, virtually under *duress*, until the further orders of the Emperor's government could be received. I think your excellency will concur in the opinion that he could not, consistently with the dignity of his government, remain on the frontier of France—there situated, awaiting orders which he had no reason to believe would be more favorable than the one which denied him entrance upon French territory. I cannot, therefore, but deeply regret that the precise telegraphic order which your excellency has incorporated in your letter to me did not precede Mr. Soulé's arrival at Calais. That order, I am pleased to find, removes all impediment to the free passage of the American minister accredited to the Court of Spain through the territory of France.

I have not failed to observe the declaration that Mr. Soulé's residence in France will not be authorized by the Emperor's government. As his public duties require him to reside in Spain, he has no intention, as far as I am informed, of remaining or residing in France. I therefore forbear entering into any examination of the reasons suggested for the determination to deny him the privilege, or of the manner in which he has been notified of the purpose of the imperial government.

I have observed also the distinction which your excellency

makes between individuals and ministers. Without undertaking to inquire how far such distinction can be maintained—for it is not necessary to the occasion to guard myself against being misunderstood if I pass it in silence—I must say that, in my opinion, one who is a public minister, passing through the territory of a friendly nation to the court to which he is accredited, has privileges under the solemn sanction of the law of nations, about which, if it shall become necessary to discuss them, I feel assured that I will not have the misfortune to find conflicting views held by one so enlightened as your excellency.

I have much satisfaction in receiving the assurance, given in the emphatic declaration of your excellency, that the minister of the United States to Spain is at liberty to traverse France towards his post, and obeying the commission with which he is charged by his government. The recognition of this right is all that I have to ask of the Emperor's government in the premises; and on this, as on all other occasions, I receive with pleasure the assurance that the government of his Imperial Majesty has at heart relations of friendship and esteem with the government of the United States; feeling which, it is my constant desire and effort to cherish and strengthen them.

I will hasten to communicate this correspondence to my government, and will also inform the American minister to Spain, who is still in London, of the result which has been arrived at.

I avail myself of the opportunity to renew to your excellency assurance of the very high consideration with which I am your obedient, humble servant,

J. Y. MASON.

II. — THE TREASURY.

REPORT OF THE SECRETARY OF THE TREASURY, ON THE STATE OF THE FINANCES.

TREASURY DEPARTMENT,
December 4, 1854.

SIR: In obedience to the "act supplementary to the act entitled 'An act to establish the Treasury Department,'" approved May 10, 1800, the following report is submitted:

The balance in the treasury on the 1st of
July, 1853, was.....\$21,942,892 56

And the actual receipts into the treasury for
the first quarter were:

From customs.....	\$19,718,822 00
From lands.....	1,489,562 05
Miscellaneous.....	147,994 87
	<u>21,356,378 92</u>

And the estimated receipts for the other three
quarters were:

From customs.....	37,000,000 00
From lands.....	3,000,000 00
Miscellaneous.....	300,000 00

Making the actual receipts for the first quar-
ter, and the estimated receipts for the other
three quarters.....

	61,656,378 92
Add balance in the treasury.....	<u>21,942,892 56</u>

Total for service of the year.....\$83,599,271 48

The actual expenditures of the first quarter of the fiscal year 1853 were \$15,081,383 70, and the estimated expenditures for the remaining three quarters were \$57,251,283 16, making for the actual expenditures of the first quarter, and the estimated expenditures for the other three quarters, \$72,332,666 86; which would have left an estimated balance in the treasury on the 1st of July, 1854, of \$11,266,604 62.

The actual receipts into the treasury for the fiscal year ending 30th of June, 1854, were as follows:

1st quarter—from customs.....	\$19,718,822 00
from lands.....	1,489,562 05
miscellaneous.....	147,994 87
	<hr/>
	21,356,378 92
2nd quarter—from customs.....	13,578,821 27
from lands.....	2,223,076 39
miscellaneous.....	101,963 64
	<hr/>
	15,912,861 30
3rd quarter—from customs.....	16,896,724 83
from lands.....	2,012,908 36
miscellaneous.....	486,091 93
	<hr/>
	19,395,725 12
4th quarter—from customs.....	14,020,822 17
from lands.....	2,745,251 59
miscellaneous.....	118,666 10
	<hr/>
	16,884,739 86
Making.....	73,549,705 20
Balance in the treasury 1st of July, 1853.....	21,942,892 56
	<hr/>
Total sum for the service of the fiscal year ending June 30, 1854.....	95,492,597 76
The receipts from customs were.....	64,224,190 27
lands.....	8,470,798 39
miscellaneous.....	854,716 54
Balance in treasury.....	21,942,892 56
	<hr/>
	95,492,597 76
The actual expenditures for each quarter of said year were:	
For 1st quarter.....	\$15,081,383 70
2d quarter.....	22,301,896 24
3d quarter.....	12,448,947 42
4th quarter.....	25,522,402 90
	<hr/>
	75,354,630 26
Leaving a balance in the treasury July 1, 1854, of.....	20,137,967 50

The usual and ordinary expenditures were as follows :

Civil list.....	\$4,649,384 98
Foreign intercourse.....	7,726,677 13
Miscellaneous.....	13,531,310 33
Interior Department.....	2,609,054 79
War Department.....	11,733,629 48
Navy Department.....	10,768,192 89
Redemption of public debt, interest and premium.....	24,336,380 66
Total expenditures.....	<u>75,354,630 26</u>

Balance in the treasury July 1, 1854, \$20,137,967 50, as appears in detail, per statement 1.

The estimated receipts for the fiscal year ending June 30, 1855, were as follows :

From customs.....	\$51,000,000 00
From lands.....	3,500,000 00
Miscellaneous	500,000 00
	<u>55,000,000 00</u>

Add estimated balance in the treasury July 1, 1854..... 11,266,604 62

Estimated resources for the fiscal year ending June 30, 1855..... 66,266,604 62

The estimated expenditures for the same year were as follows :

Balance of former appropriations to be expended during the year..... \$6,865,126 44

Permanent and indefinite appropriations to be expended during the year..... 8,285,716 14

Specific appropriations asked for the service of the year... 35,909,434 54

Making an aggregate of..... 51,060,277 12

Leaving in the treasury, July 1, 1855, a balance of..... 15,206,327 50

The receipts of the 1st quarter of the fiscal year, ending September 30, 1854, have been as follows :

From customs.....\$18,639,798 45

From lands.....	\$2,731,654	12
Miscellaneous.....	149,850	28
Total.....	<u>21,521,302</u>	<u>85</u>

The expenditures for the same first quarter have been as follows:

Civil, miscellaneous, and foreign intercourse	\$6,241,749	31
Interior Department.....	2,175,737	13
War Department.....	3,367,039	92
Navy Department.....	2,508,791	09
Redemption of public debt, interest and premium.....	1,876,013	17
Total expenditures.....	<u>16,169,330</u>	<u>62</u>

as appears, in detail, from table 2.

The receipts for the remaining three quarters of the year are now estimated as follows:

From customs.....	\$36,000,000	00
From lands.....	6,000,000	00
Miscellaneous.....	500,000	00
Total.....	<u>42,500,000</u>	<u>00</u>

The receipts for the first quarter, the estimated receipts for the remaining three quarters, and the balance in the treasury on the first day of July, 1854, making a total sum of \$84,107,967 50 for the service of the fiscal year ending June 30, 1855.

The estimated expenditures for the remaining three quarters of the year are as follows:

Civil list, foreign intercourse, and miscellaneous.....	\$15,066,931	13
Deficiency in the Post Office Department.....	2,719,464	00
Interior Department.....	3,133,655	25
War Department.....	13,628,350	90
Navy Department.....	11,258,095	71
Interest on the public debt.....	2,370,093	60

Making.....	<u>48,176,590</u>	<u>59</u>
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Total estimated expenditures for the year 1855	<u>64,345,921</u>	<u>21</u>
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The expenditures of the first quarter, and the estimated expenditures for the remaining three quarters are \$64,345.-

221 21, leaving an estimated balance in the treasury, on the 1st day of July, 1855, of \$19,762,046 29.

There is always, at the close of the fiscal year, a balance thus estimated, not expended, of at least \$12,000,000. That \$12,000,000 may be applied to the purchase of the public debt during the remaining three quarters, without disturbing the estimated balance in the treasury.

The amount of the public debt, outstanding

on the 1st day of July, 1853, was.....\$67,340,628 78

And on the 1st day of July, 1854..... 47,180,506 05

Being a reduction of..... 20,160,122 73

The estimated receipts for the fiscal year ending June 30, 1856, are as follows:

From customs.....\$56,000,000 00

From lands..... 6,000,000 00

Miscellaneous..... 500,000 00

62,500,000 00

Add estimated balance in the treasury July

1, 1855..... 19,762,046 29

Making the estimated sum of..... 82,262,046 29

for the service of the fiscal year 1856.

Estimated expenditures for the fiscal year, 1856:

Balance of former appropriations, to be ex-

pended this year.....\$11,212,905 20

Permanent and indefinite appropriations, to

be expended this year..... 7,934,411 70

Appropriations asked for, and to be expended

this year..... 41,722,516 47

60,869,833 37

leaving the sum of \$21,392,212 92 on the 1st of July, 1856.

Upon this estimate of the receipts and expenditures of the fiscal year 1856, there will be a balance in the treasury on the 1st of July, 1856, of \$21,392,212 92, without expending any thing in the redemption of the public debt; but if \$12,000,000 shall be applied to the redemption of the public debt, which may be done, there will remain an estimated balance in the treasury of \$9,392,212 92.

It appears the receipts from customs for the second, third, and fourth quarters of the fiscal year 1854, were not diminished from the pressure in the money market, and other causes, as expected in my former report. They were kept up from

importations, growing out of large exports of provisions, caused by the scarcity in England and France, and the expected demands of the European war, and by the shipments to this country of foreign manufacturers, who, owing to the want of a remunerating market in those countries, sought the benefit of ours. They were also kept up by a greater uniformity and better valuation of foreign goods, and a diminution in smuggling, caused by increased vigilance on the part of the revenue officers. The foreign and internal immigration to the new States and Territories, combined with speculative investments in the public lands, greatly increased the receipts from that source; so that, instead of a reduced revenue, as anticipated, the receipts have been greater than in any previous year.

It also appears from the statement of the receipts of the first quarter of the fiscal year 1854, that the receipts, both from customs and lands, have been greater for the quarter than a fair proportion of the estimated receipts for the year. This has grown out of the same causes that kept up the receipts from customs and lands for the last three quarters of the fiscal year 1854, aided as to lands, to some extent, by the effect of the act graduating the price, which operated in favor of the receipts for the latter half of the quarter.

The receipts from customs for the remaining three quarters of the year cannot be in proportion to those of the first quarter, owing to the reciprocity treaty, introducing free trade with the British colonies, and the short crops in almost all portions of the country, which must materially affect the exportation of provisions, and the return importations, and diminish the ability to purchase and pay for foreign goods. The effect of a scarcity of provisions, with consequent high prices, has always been to diminish the consumption of other articles of customary use, and may be expected to operate on the importations for the remaining three quarters of the year, as it certainly will on the consumption. Moreover, the United States have enjoyed a long period of agricultural, manufacturing, and commercial prosperity, under extended bank and other credit facilities, backed by the immense production of gold from the mines of California. This has led to large speculative investments in railroads, lands, lots, houses, ships, stocks, and other enterprizes, and to enhanced prices for rents, labor, provisions, and all the necessities of life. The bank and credit facilities have been in check for more than a year, with a prospect of a continued check; whilst the large and extended indebtedness of operators has to be met under receding prices, without the stimulating

effect of new enterprizes. This will also act in restraint of importations and consumption. In the estimated receipts from customs for the three remaining quarters of the current fiscal year, the effects of the reciprocity treaty and reduced importations have been considered; whilst, also, the same causes will operate in the sale of the public lands; but the effect of the act graduating the price has been considered sufficient to keep up the receipts from the latter source to what they were for the fiscal year 1854.

The estimate of receipts for the fiscal year 1856 has been made from an expectation that the same causes which will operate to reduce the importations and consumption of foreign goods for the remaining three quarters of the fiscal year 1855, will be continued through a part of the succeeding year, and sensibly affect the importation and consumption of foreign goods.

The accompanying table, 3, exhibits the particulars of the public debt on the 1st of July, 1853, and the accompanying table, 4, exhibits the particulars of the public debt on the 1st of July, 1854, to which is appended a table exhibiting the interest paid on the public debt during the fiscal year 1854, and the principal, interest, and premium, on the part redeemed within that year. Table 5 exhibits the principal, interest, and premium on the public debt redeemed from the 1st July, 1854, to the 20th November, 1854. From these tables it appears that the sum of \$20,098,422 73 of the public debt was redeemed between the 1st of July, 1853, and the 1st of July, 1854, and that the interest and premium paid on the amount redeemed was \$3,345,545 23; and the principal, interest, and premium on that part of the public debt redeemed between the 1st of July, 1854, and the 20th of November, 1854, was \$2,604,203 51.

The table 6, which accompanies this report, exhibits the tonnage engaged in our foreign and coasting trade from the year 1789 to the 30th of June, 1854. It will be seen the increase for the last year has been 595,892 $\frac{3}{4}$ tons.

The table, 7, which accompanies this report, exhibits our exports and imports for the same time; and the table, 8, which also accompanies this report, exhibits the sums received into the treasury from customs, public lands, miscellaneous sources, including loans and treasury notes, and the tariff, and particular price of the public lands under which the same was received; also the annual expenditures during the same period. From the table of exports and imports it appears the imports are \$26,321,317 in excess of the exports, no account being taken of the precious metals brought in by

emigrants. The profits on our exports, and the freights earned by our ships in foreign trade, ought to more than cover this excess. The exports include over \$38,000,000 of specie and bullion exported; but, whilst specie and bullion are products of labor in our mines, they rank with any other product, and must enter into our foreign trade as articles of commerce, and can have no prejudicial effect upon the great interests of the country. These tables combined, exhibit the growth of our commercial marine, of our exports and imports, and the receipts and expenditures of our government, and prove that the receipts into the treasury are sufficient to meet all reasonable expenditures, discharge the public debt, and allow a reduction of the rate of taxation, with almost a certainty that our increasing commerce will give an increase of revenue equal to the reasonable demands of the future.

Therefore, I feel it necessary, again, to call the attention of Congress to the propriety of reducing the revenue from customs, so that no more money shall be received into the treasury than is required for an economical administration of the government. The reduction proposed in my former report, as carried out by the bill prepared in this department, and the reduction proposed in the bill, prepared and reported by the Committee of Ways and Means of the House of Representatives, would each have effected the object of bringing the receipts from customs to the proposed revenue standard.

The present tariff has eight schedules, or different rates of duties, as follows: The first of 100 per cent., the second of 40 per cent., the third of 30 per cent., the fourth of 25 per cent., the fifth of 20 per cent., the sixth of 15 per cent., the seventh of 10 per cent., and the eighth of 5 per cent. The bill prepared by the Committee of the House of Representatives has five schedules, as follows: The first of 100 per cent., the second of 20 per cent., the third of 15 per cent., the fourth of 10 per cent., and the fifth of 5 per cent. And the bill prepared at this department, and which is substantially the one reported by the minority of the Committee of the House of Representatives, has but two rates of duty: The first of 100 per cent., and the second of 25 per cent. There are difficulties in the execution of the present tariff growing out of the required classification under the eight schedules: and these difficulties continue to increase by the acts of the manufacturers in assimilating one class of goods to another, and in ascertaining the material of chief value in the fabrics. The difficulties would be reduced under the bill of the committee, and would entirely disappear under that proposed by the department.

The bill of the committee, with the tables herewith annexed, exhibits the revenue from customs for the fiscal year ending the 30th of June, 1853, and what has been the revenue under the present tariff for the average of six years, including 1853, and what would have been the receipts for the same periods under the bill of the committee, and under the one recommended by this department. These tables only include the enumerated articles in the bill of the committee, leaving the sum of about \$2,000,000 of revenue from unenumerated articles; but they are sufficient to explain the character of the present tariff, the one proposed by the committee, and the one by the department.

Herewith is also presented exhibit 10, containing the free list proposed by this department, to which is added the English tariff on the same articles; from which it will be seen that the English tariff makes most of these articles free; and as far as these articles are used in the arts and manufactures, most of them are free of duty under the laws of other manufacturing nations. Under the English tariff, the raw material used in the arts and manufactures have been made free of duty, whilst our tariff of 1846 imposes on those articles heavy duties; and thus, to the extent of the duty on the raw material, the English manufacturer has a decided advantage over manufacturers of the United States in the markets of other nations, whilst the effect of the tariff of 1846 is reduced in our own markets. In the revision of the tariff, for the purpose of reducing the revenue, it was deemed expedient and proper to take away the advantages accruing to the manufacturers of other countries, under their free list, by making the same articles free under our laws, except as to the article of wool, and as to that article, on the coarser wools. Under the reciprocity treaty, wool from the British provinces will be admitted free of duty. In 1853, the importations of wool and woolen goods amounted to over \$30,000,000, and the wool and the value of the wool in the manufactured article amounted to at least \$10,000,000. This was over and above the amount produced in the country, and affords satisfactory evidence that sufficient wool is not produced in the country for its consumption. The consumption of wool in the United States for the year 1853, is estimated at 200,000,000 pounds, of which 60,000,000 is the production of the country, and 21,000,000 imported as wool, and the balance of 119,000,000 imported in manufactures of wool.

The proposed addition of articles of general consumption to the free list, such as salt, &c., was deemed more questionable, but was made because it seemed to have had the sanc-

tion of Congress and the people, as to tea and coffee, and it was thought would leave the operation of the tariff laws more equitable in their bearing upon all sections of the country than a general reduction on all articles. The addition of unadulterated wines was made to promote our commercial intercourse with wine-producing countries.

The present tariff, the bill of the Committee of the House of Representatives, and that of this department, impose the like duty of 100 per cent. on spirits imported. The bill of the committee reduces the schedules of the present tariff from 40, 30, and 25 per cent. to 20 per cent., retaining the 15, 10, and 5 per cent. schedules, with some transposition of articles from one schedule to another; whilst that of the department imposes a duty of 25 per cent. on all articles not made free; most of the articles in the 15, 10, and 5 per cent. schedules of the present tariff having been added to the free list, there being no just reason why the articles not added to the free list should not pay the higher rate of 25 per cent. The table 11, which accompanies this report, exhibits the amount that would have been collected for the year 1853 under the present tariff, the bill of the committee, and that of the department and what would have been collected under each schedule of the bill of the committee, and affords evidence that the 5th schedule will not pay the expenses of collection. Indeed, it is believed the advantages of these schedules will be counterbalanced by the increased difficulties and expense of collection. Whether the general rate should be 20 or 25 per cent., is a question of some doubt. It was thought that a reduction to 20 per cent. might have the effect of increasing the revenue by increasing the importations; whilst the duty of 25 per cent. would not probably have that effect. A question of greater difficulty was, whether the rate of 40 per cent. should not be retained on manufactured and adulterated wines, and whether silks and some other sumptuary articles should not be added to that schedule. Upon mature reflection, I am fully satisfied that the schedule of 40 per cent. should have been retained, keeping in it wines not made free, and adding to it silks of all kinds, laces of all kinds, millinery of all kinds, and other sumptuary articles; and I now recommend that, in revising the tariff, such a schedule, specifying the articles, be added.

The table, 12, which accompanies this report, exhibits the articles manufactured in the United States, which have formed a part of our exports for the years 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853 and 1854. It will be seen from this table that there has been a great increase in the annual

export of articles manufactured in this country. It may be fairly calculated that the \$26,000,000, and upwards, of manufactured articles exported during the fiscal year 1854 will continue gradually to increase, until the manufactures of the United States shall constitute a fair proportion of our foreign exports.

In recognizing, as I do, the principle that duties should be levied for revenue, and not for protection, I have considered it no departure from the principle to counteract the legislation of other countries, and make the same articles free under our laws that are free under theirs; knowing, also, that there never has been a tariff law enacted, under the constitution, in which some articles were not allowed to be imported free of duty.

The table, 13, which accompanies this report, exhibits duties to the amount of \$1,524,457 40 on the articles made free by the reciprocity treaty with Great Britain during the fiscal year 1854; to which extent the annual revenue from customs will thereby be reduced.

In my former report a repeal of the fishing bounties was recommended, for the reasons there referred to. That recommendation is renewed, and the subject of drawback duties on refined sugar is recommended to the consideration of Congress. The same principle would require like drawbacks on all exported articles on which there is a duty on the raw material used in their manufacture.

The reports of the First, Second, Third, Fourth, Fifth, and Sixth Auditors, and of the First and Second Comptrollers, and the Commissioner of Customs, which accompany this report, numbered from 14 to 22, inclusive, exhibit a fair statement of the operations and conditions of their respective offices. They are all in good order, and the current business is promptly, and, it is believed, correctly done; and, besides, considerable progress has been made in closing the large unsettled balances that stood open on the books of the treasury, as stated in my former report.

That report stated the outstanding balance on the 1st of April, 1853, at.....\$132,521,704 09
And there had been settled, up to the date
of that report..... 30,500,154 50

Leaving.....\$102,021,549 59

Since the date of that report, this sum has been reduced by settlements, collections, &c., as follows:

In the office of the First and Fifth Auditors, per report of the First Comptroller of the Treasury.....	\$65,237,291 47	
Corrections in the same.....	1,001,020 00	
In the office of the First Auditor, per report of the Commissioner of Customs.....	2,523,872 72	
In the office of the Second, Third and Fourth Auditors, per report of the Second Comptroller	4,924,265 64	
In the office of the Auditor for the Post Office Department.....	400,715 64	
In the office of the Solicitor of the Treasury.....	351,235 50	
	<hr/>	74,438,400 97
Leaving yet unclosed.....	<hr/>	<u>\$27,583,148 62</u>

The reports of the First and Second Comptrollers, and of the Commissioner of Customs, upon the subject of these balances, numbered 23, 24, and 25, and which accompany this report, give reason to hope that in another year they will be still further reduced, and a stricter system of accounting enforced.

The force in the office of the Sixth Auditor and First Comptroller is inadequate to the increased business in the former, and the increased business and arrearages in the latter; and it was not possible to give the required additional force by transfers from other offices, owing, in part, to the curtailment of five clerks in the Third Auditor's office, one in the Second Auditor's office, and one in the Second Comptroller's, from the failure to estimate for them, and from Congress only granting eleven of the twenty-one clerks recommended by the department. The attention of Congress is called to the report of the Sixth Auditor and the First Comptroller, as to the necessity for additional force in their respective offices. It is recommended that Congress allow five additional clerks and two additional messengers to the Sixth Auditor, and two additional clerks to the First Comptroller. The attention of Congress is also called to the report of the Sixth Auditor, as to the necessity of additional room for the accommodation of the clerks of his office, and the safety of the accumulating papers and records, with a

recommendation that Congress make provision for the same.

It would facilitate the business, and render less complicated the accounts of the department, should all the accounts of the Interior Department be given to the Second Auditor, and all the accounts of the War Department be given to the Third Auditor, as recommended in my former report.

The attention of Congress is called to the fact that the Commissioner of the General Land Office and his clerks still occupy a portion of the Treasury building, and that the First and Fifth Auditors and their clerks, and part of the clerks of the Third Auditor, have to be accommodated in rented buildings, apart from the Treasury building; also, that the clerical force in the building cannot be accommodated in suitable connexion. Under the expectation that the Land Office will be removed in the course of next spring, an estimate has been submitted for the expense of affording additional light and ventilation to the Treasury building, so that the rooms will be more convenient and comfortable, and the necessary appropriation for that purpose is recommended.

The system of monthly accounts from the collectors of customs, and the settlement thereof, within the succeeding month, at the Treasury, has been adhered to and fully carried out, with a few exceptions upon the Pacific; and the accounts are being rendered and settled with great dispatch. The benefits growing out of this system to the public, and the officers of the revenue, is more manifest the longer it is enforced. The department has caused the collector's offices in all the ports to be examined within the year, with but few exceptions, by agents of the department, in order to ascertain how their books and accounts were kept, and, by personal inspection, how the official corps discharged their duties. These examinations have enabled this department to correct errors and omissions, and to see that the official corps devote themselves, in person, to the duties confided to them, and have resulted in securing greater vigilance, and a more faithful application of the revenue laws.

The report of the Register of the Treasury (No. 26) also accompanies this. It exhibits a greatly improved condition of his office. The annual report on commerce and navigation is in advance of any former one, and will be in print for the use of Congress at the commencement of its labors. The business of the office has been promptly and well done.

The Solicitor of the Treasury has caused to be made out a schedule (No. 27) of all the lots and lands purchased under execution and decrees for the United States, or otherwise

taken for debts due to the United States, and which have heretofore been sold, and also a schedule of all such lands as are now held by the United States. They are submitted, in order that Congress may have in view the sales heretofore made, and devise some suitable mode for the future sale of the property on hand, and such as may hereafter be acquired; also for closing or crediting on the books of the Treasury such debts as have been, or shall be discharged in whole or in part by the purchase of real estate; because, after accounts have been stated at the Treasury, leaving a balance due to the United States, they are passed to the Register, and appear on his books, and then to the Solicitor, and appear on his books, and are then sent to the proper district attorney for suit. When the debt is collected and paid into the treasury, in whole or in part, the amount so paid is entered on the books of the Auditor, where the account was first stated, and then on the books of the Comptroller, and then on the books of the Register; but where lands or any other thing is purchased under execution for the debt in whole or in part, no entry thereof is made on the books of the Auditor, Comptroller, and Register, until a re-sale is made and the money is paid into the treasury; and when the United States fail, in whole or in part, in the courts, no entry is made on the books of the Auditor, Comptroller, and Register. Thus, the books of the treasury exhibit balances due the United States after the same are discharged. This might be remedied by a treasury regulation, causing the proper entries to be made on the books of the Auditor, Comptroller, and Register, and opening in each office an account of the lands, &c., purchased for the United States on each debt, and for the discrepancies between the treasury statements of indebtedness and the judgment in the particular case; but it had better be regulated by Congress. This correction of the books would be a work taking considerable time and labor, as it would require to overhaul the books from the commencement of the government. Yet no just statement of the condition of the balances on the books of the treasury can be made until it is done.

The report of the Solicitor of the Treasury (No. 28) also accompanies this report, and exhibits the operations of that office, and the attention given to the trial of suits, and the collection of money upon judgments in favor of the United States, with suggestions as to the propriety of amending the law so as to authorize a commission to district attorneys for the collection of old judgments, and the propriety of authorizing the department to make compromises and settlements.

The attention of Congress is called to the subject, with a recommendation that the department be authorized to allow district attorneys and others, employed for that purpose, a commission not exceeding ten per cent. on the amount collected.

The report of the Treasurer of the United States, (No. 29.) also accompanies this. The business in the office of the Treasurer has been promptly and satisfactorily performed. The money, both of the United States and the disbursing agents of the Government, deposited, has been safely kept. One additional clerk for the Treasurer's office is recommended, for the reasons stated by the Treasurer in his report.

Under the 11th section of the independent treasury law, it was thought advisable to have the offices of the assistant treasurers, and the depositaries of the United States, examined by an agent of the department, and Mr. William M. Gouge was appointed to examine all of them, except that of San Francisco, California. His letter of appointment, No. 30, accompanies this report, as also his general report upon the condition and operation of the offices used as depositaries of the public money, and by the disbursing agents of the government, exhibiting a highly satisfactory condition of said offices, the keeping the books and the public money, and the duties of the respective officers. He will be required to examine the southern offices not heretofore examined by him. The assistant treasurer's office at San Francisco has been examined by J. Ross Browne, another agent of the department, and that office found in good condition, and the business promptly and satisfactorily performed.

The table, 31, which accompanies this report exhibits the imports and exports of coin from the 30th day of September, 1821, to the 30th day of June, 1854; and the table, 32, which accompanies this report, exhibits the coinage at the United States mint from the year 1792 to the 30th day of September, 1854; and the table, 33, which also accompanies this report, exhibits the coinage of the United States mint and branches, from our own mines, from the year 1804 to the 30th day of September, 1854.

Under the act of 1853 there has been \$16,152,170 of silver coined at the mint in Philadelphia and branch mint at New Orleans, and circulated at Philadelphia, New York, Boston, Detroit, Chicago, Baltimore, Washington, Richmond, Norfolk, Charleston, Savannah, New Orleans, St. Louis, Jeffersonville, Cincinnati, San Francisco and Pittsburg, and furnished to citizens at various other places. This has tended to keep a sound

currency for change in circulation, and afforded great convenience to the public; but the circulation of large amounts of small bank notes has contracted the benefits of the silver change in many places, or driven it away, or tied it up in the pockets of the people. The full benefit of silver coinage for change can never be realized whilst small bank notes are encouraged under bank charters, and made current by the patronage of the community.

These tables give some data from which an estimate may be made of the increasing amount of gold and silver coin retained in the country. The table 34, with the remarks annexed, which accompany this report, exhibits estimates made by Secretaries of the Treasury, and others, of the amount of gold and silver coin in the country at different periods, and gives the amount on the 30th of September, 1854, at \$241,000,000, which is believed not to be a high estimate. Of this sum there was about \$60,000,000 in the banks, and \$26,000,000 in the United States treasury—the rest being in circulation amongst the people, or hoarded up.

It appears from the report on the banks from this department, submitted to Congress on the 6th of May, 1854, that in 1850-'51 there were 879 banks in the United States, with a capital of \$227,807,533, and in 1853-'54 there were 1,208 banks, with a capital of \$301,756,071, being an increase of \$73,948,538. In 1850-'51 the circulation of the 879 banks was \$155,165,251; deposits, \$128,957,712; due to other banks, \$46,411,928; and together, \$330,539,891; and in 1853-'54 the circulation of the 1,208 banks was \$204,689,207, the deposits, \$188,188,744, and there was due to other banks \$50,522,162, and together \$443,200,113, making an increase of \$112,660,222, with specie in their vaults in 1850-'51 of \$48,671,048, and in 1853-'54 of \$59,410,253, being an increase of \$10,739,205. These tables exhibit a bank circulation of \$204,689,209, against the \$241,000,000 of gold and silver in the country. The independent treasury of the United States, receiving and paying for the fiscal year 1854 more than \$75,000,000 in the current coin, has kept up the demand for it, and prevented the large bank circulation from obtaining the mastery, and driving the constitutional currency from the country. In our table of exports we find an increase in the export of coin over the previous year, but not exceeding the produce of our mines. This increase may be, in part, accounted for by the large redemption of the public debt held abroad, and the bank circulation, a large part of which was in small notes circulated at a discount in places remote from

the issuing bank, and forcing the better currency of gold and silver out of the market.

The United States having placed her receipts and expenditures upon the constitutional currency of gold and silver, it is in the power of the States, by prohibiting the banks from issuing and circulating notes of a small denomination, and by making the constitutional currency the basis of their own receipts and expenditures, to give the victory in all time to the constitutional currency, keep a sufficiency in the country for all the purposes of a circulating medium, and prevent the evils and losses that always attend an inferior currency. The disorder now felt in money matters grows out of the failure of many of these banks, and the curtailment of the circulation and discounts of others, which, in the last six months, must have reached forty or fifty millions of dollars; and in part out of the effects produced by the large imports, and in part out of the want of confidence between lender and borrower. It cannot be attributed to the shipment of gold and silver, which is nothing but a consequence growing out of these causes.

The independent treasury has been administered in strict accordance with the provisions of the law, in all respects, as stated in my former report. There has been found no difficulty in its operation, nor in complying with any of the provisions of the law. The opening the Treasurer's office at Washington, and the offices of the several assistant treasurers and public depositaries, as places of deposite for the disbursing agents of the government, has been attended with signal success, and resulted in great advantage to the executive departments and the disbursing agents. The table, 35, which accompanies this report, shows the growth of the deposite system; the number of disbursing agents who deposite, with the places and amount of deposite at different periods. It will be seen that in September these deposites exceeded \$3,500,000; whilst all disbursing agents who could have not availed themselves of the privilege, and many disbursing agents could not do so, because there were not depositearies convenient to their location. The returns of these deposites furnish the means of ascertaining the operations of disbursing agents, and whether the funds are kept in readiness to meet the appropriations; whilst, upon the removal, resignation, or death of a disbursing agent, the amount on deposite passes at once into the United States treasury and to the credit of the depositor, without the procrastination caused by having to await a settlement by the agent or an administration; and can at once be applied to the purposes

of the appropriation through another agent. The money thus on deposit is as safe and secure as that in the treasury, and is without risk to the depositor; and it is right the government, and not the disbursing agent, should be at the expense and risk of keeping the public money until actually disbursed. It is to be regretted that all disbursing agents, conveniently situated, have not availed themselves of the right to deposit, because it furnishes cause of mistrust as to a strict compliance with the law, both in respect to the deposit and use of the public money, and does not give the United States the benefit of promptly obtaining the amount not disbursed upon the removal, resignation, or death of the incumbent.

The work on the coast survey continues to make good progress, and the means appear to have been carefully and economically used. If the work shall have the continued support of Congress for a few years more, the fullest and most reliable knowledge will be obtained of our extensive coast, and of all our harbors, to the great advantage of our navigation and commerce. The work is recommended to the consideration of Congress, with the belief that no more convenient time will be found for its continuance and completion, nor a more able corps of officers to which it can be confided.

The report of the Light-house Board, No. 37, also accompanies this report, and is referred to for the detailed operations for the past year. The business has been promptly and faithfully attended to in all its branches, and the system made as efficient as the time and means would allow; and it is recommended to the continued favor of Congress, in order that increased facilities may be given to navigation in all its branches and connexions.

Under the appropriation of \$20,000 for continuing the system of protecting human life from shipwreck on the New Jersey coast, and \$20,000 appropriated without specification, (which the department has thought advisable to expend on the coast of Long Island,) Mr. S. C. Dunham was appointed for the New Jersey coast, and Mr. J. N. Schellinger for the Long Island coast, with instructions to examine existing stations, and report what would be needed to put them in a perfect state, and to select intermediate stations, so as to make the stations on each coast five instead of ten miles apart. Both these agents have reported, and are now employed in building the houses at the new stations, and providing the articles required for them and the old ones, and

the additional boats have been built, and are being shipped to the new stations.

Under the appropriation of \$12,400 for locating boats at different points on Lake Michigan, twenty-three boats have been purchased and sent to the places indicated in the schedule; for the two remaining points will be purchased and sent as soon as provision can be found to take the proper care of them; for which purpose the necessary inquiries are now being instituted.

The late calamitously disaster to the ship "New Era" has shown the inadequacy of the moorings heretofore used for throwing lines to vessels in distress and establishing a communication between the wreck and the shore. Experiments are now being made with a view of providing a mooring moored, and capable of throwing a haul and line the requisite distance. The appropriations will not be sufficient to place all the stations in an entirely effective condition.

The report, No. 18, from Captain A. H. Foreman, of the engineer corps in charge of the construction of custom-houses, marine hospitals, &c., which accompanies this, gives information in detail of all that has been done towards the completion of those under the direction of this department since the date of my last report, and of the working of the system of operations, and affords all necessary information upon that subject. The attention of Congress is particularly called to that part of the report which relates to the custom-house being built at New Orleans. It satisfactorily appears that the foundation upon which that custom-house is being built is not sufficient for the weight and character of the superstructure, as specified in the plan according to which Congress has directed it to be built; and that there is urgent necessity to modify the plan and remove the evil as far as practicable, and a modification of the plan as indicated by Captain Foreman is recommended.

The attention of Congress is also called to the report of Captain Foreman upon the site for a custom-house at Erie; and it is recommended, for the reasons stated by him, that authority be given to sell the present lot, and purchase a more suitable one.

The department has selected sites for the custom-houses at New Haven, Connecticut; Burlington, Vermont; Oswego, New York; Toledo and Sandusky, Ohio; Chicago, Illinois; Milwaukee, Wisconsin; and Wheeling, Virginia, in accordance with the report of Captain Foreman, No. 18, accompanying this, he having been sent to examine the sites offered at the several cities, and confer with the commissioners and

others upon the subject: and steps are being taken to close the titles, with a view to early action in having the buildings constructed. The table, No. 40, exhibits the sites and prices agreed to be paid in the several cities. No report was made on the site at Buffalo, New York; Cincinnati, Ohio; and Burlington, Iowa, for the reasons stated in the same report. There has not been time for information from New Orleans since instructions were issued to obtain offers for a site for the marine hospital there.

The department having learned of an embezzlement of bullion by one of the officers in the mint at Philadelphia, determined to have the mint and course of business investigated, and a detailed report made with a view to the better security of its operations. Messrs. Richard Smith and J. C. Pickett were appointed for that purpose. A copy of the letter of appointment (No. 41) and their report accompanying this, with a copy of the new regulations which the Director of the mint has adopted, with the sanction of this department, for the government of the mint and branches. They are submitted to Congress for such additional legislation as the circumstances seem to require.

The condition of the mint at Philadelphia, as to safety as a depository and security from fire, was examined by Captain Bowman, under the directions of this department. His report (No. 42) accompanies this, and states the necessity of giving the same greater security as a mint and depository, and of its being made fire-proof; and estimates are submitted for the alterations, and also for improving the vaults of the Treasury building at Washington. In Captain Bowman's general report it is stated that the appropriation for the repairs of the branch mint at New Orleans is not sufficient to make it thoroughly fire-proof and secure as a mint and depository, and estimates are submitted for that purpose. The attention of Congress is called to the condition of the mint at Philadelphia and the branch mint at New Orleans, and of the vaults in the treasury, and such appropriations recommended as will make them fire-proof and perfectly safe. The propriety of an annual appropriation, for keeping in repair the vaults and safes for the assistant treasurers and depositories is submitted.

The table, 43, which accompanies this report, exhibits fifty-four places, including the marine hospitals, where relief is afforded to sick and disabled seamen, under the direction of this department, with the average cost per day of each patient at the several places. It appears the average cost is fair and reasonable at most of the places, but at others it

greatly exceeds what it should be. Every effort has been made to bring the cost within fair and reasonable limits, but the greatest discrepancies are found in those places where there are but few patients to accommodate, and where it has been found impossible to reduce the item constituting the largest average in the expense, such as compensation of surgeons, &c.

The report of the supervising inspectors of steamboats, under the act of 30th August, 1852, No. 44, accompanies this report, as also a letter from Mr. William M. Gouge, charged by this department with the duty of attending the meetings. The department also procured Professor Booth, melter and refiner at the mint in Philadelphia, to experiment upon fusible alloys, in connexion with Evans' safety valves, and otherwise, with a view of testing the same, and in order to have reliable alloys should it be determined to continue their use. His report, No. 45, also accompanies this, and gives valuable information upon the subject. The attention of Congress is called to the suggestions in the report of the supervisors, the letter of Mr. Gouge, and the report of Professor Booth. The department has been furnished with the table, 46, which accompanies this report, showing the loss of sixty-three steam vessels from the 1st of January, 1854, to June of the same year, with the causes thereof. This table exhibits ten by collision, seventeen by fire, five from ice, twenty-three from snags, and states nineteen of them were lost from inattention and negligence, thirty-one from accident, one from being unseaworthy, and only two from unavoidable causes. This exhibit proves that much remains to be done, under the steamboat act, to secure capable and efficient officers on steam vessels for the preservation of life. These, and the recent losses upon the ocean, properly raise the question whether the law should provide greater security in the construction of steam-passenger vessels, or leave them, as now, to the ship-owners.

In my former report the attention of Congress was called to the inconvenience arising from two sets of local inspectors, one under the act of 1838, and the other under the act of 1852, and the propriety of having but one set under the same superintendence. The regulations which the supervising inspectors are authorized to make should also have the approval of the department, and its supervision in enforcing them.

The propriety of providing for supervising inspectors on the Pacific coast was also stated, and is again recommended. The attention of Congress is also called to the penalty for collision, under the act of 1838, which only applies to the

destruction of life on the vessel the officer commands, and does not embrace the killing done on the other vessel.

There seems to be no express provision, in any act of Congress, that the records and papers of the several collectors of customs shall be public property, and left in the offices for the use of their successors; nor any provision making it a felony to make false entries in the collector's books, or return false accounts to the treasury. It has been customary in many of the districts for the outgoing collector to carry away the books and papers, on the pretence that they were private property, because purchased out of the emoluments of the collector, under the regulations of the treasury. They have been declared, by a treasury circular, the property of the United States, and directed to be preserved and handed over to the successor. The fact that these books were carried away was cause of suspicion as to the integrity of the collectors, and in four ports, to wit: Oswego, Cleveland, Toledo, and Milwaukee, where other strong circumstances strengthened the suspicion, investigations were instituted at the ports, with copies of the returns made to the treasury, and the books and receipts of the importers in the United States and those in Canada examined. The accounts of the late collector at Oswego were ascertained to have suppressed duties, actually collected by him, to over \$75,000; the collector at Cleveland to an amount almost of \$115,000; the collector at Toledo to an amount of about \$5,000; and the collector at Milwaukee to over \$3,000. These are the first frauds of this description that have ever been brought to light. They are now presented to the consideration of Congress, for such additional legislation as may be deemed necessary. In the revision of the revenue laws prepared at this department, under a resolution of the Senate, and now before that body, clauses have been inserted for the purpose of providing the proper remedy. There has been no revision of the revenue laws since the enactment of 1789. The necessity of a revision is respectfully urged upon the consideration of Congress.

In addition to the tables and reports herein before particularly mentioned, various statements of exports and imports, a statement of the persons employed in the several collection districts, and a complete set of the circulars issued by this department since the date of my former report, also accompany this.

The important interests confided to this department require that the clerical force should be not only capable, but trustworthy in all respects. I find there has been great improvement in that force. In most cases, the best of those

found in office were retained, and, under the system of classification, when vacancies occurred, a rule was established to promote, for capacity and efficiency, from the lower to the higher classes, whilst the required examinations have secured more capable clerks for the first class. The rules of the office are strictly enforced, and there exists commendable industry, capacity, efficiency, and, it is believed, integrity, in the corps employed. The department is being brought into good condition.

All which is respectfully submitted.

JAMES GUTHRIE,
Secretary of the Treasury.

III.—THE ARMY.

REPORT OF THE SECRETARY OF WAR.

WAR DEPARTMENT,
December 4, 1854.

SIR: I have the honor to submit the following report of the operations of the army for the past year, and to lay before you the reports of the commanding general and of the heads of the several bureaus of the War Department.

The authorized strength of the army (as now posted) is 14,216 officers and men; but the accompanying tables, prepared at the Adjutant General's office, show that at the date of the last returns the actual strength was only 10,745. This difference, however between the authorized and actual strength of the army is fast disappearing under the operation of the law of the 4th of August last, "to increase the pay of the rank and file of the army, and to encourage enlistments."

The general distribution of the army is nearly the same as shown in my last report. The most important changes will be briefly noticed. The 3d artillery has been reorganized since the wreck of the steamer *San Francisco*, and six companies sent to the Pacific, via the Isthmus of Panama. Two of the companies of that regiment, and a detachment of recruits for companies of dragoons serving in the department of the Pacific have been sent by the over-land route, for the purpose of exercising a salutary influence over the Indians inhabiting the country through which they will pass, and holding to account the tribe implicated in the massacre of Capt. Gunnison's party. They will winter in the Great Salt Lake valley, and proceed to their destination in the spring. Six companies of the 2d infantry have been reorganized, and are now posted in the department of the West. The remaining companies of that regiment will be sent to the same department as soon as their organization is completed. The 6th infantry has been ordered to the department of the Pacific. Six companies of the regiment are concentrated at Jefferson Barracks, preparatory to sailing for the Pacific, by way of the Isthmus, and two others, which were also under orders for Jefferson Barracks, have been sent to Fort Laramie in consequence of the difficulties

that recently occurred in that vicinity. The remaining companies now at Fort Kearney and Laramie will be sent to their destination next spring, by the overland routes, if a continuation of the Indian difficulties in that quarter should not interfere with this intention. The headquarters and two companies of the 1st dragoons have been transferred to the department of New Mexico, and replaced in the department of the West by four companies of the 2d dragoons from New Mexico. The troops on the Indian frontier of Florida have recently been reinforced by two companies of artillery drawn from the Atlantic coast. Some other changes of minor importance have also been made with a view of effecting a greater concentration of the troops.

The removal from Florida of the remnant of the Seminole tribe, who, in violation of the treaty, have continued to occupy the southern part of that State, has received the constant attention of the department; but, from peculiar circumstances, the efforts directed to this object have been attended with but little success. It is, however, believed that better results may be anticipated in the ensuing year. The troops have taken a line of observation which greatly contracts the limits of the territory occupied by the Indians; and it is proposed to make expeditions through the region where they have hitherto remained securely concealed. By opening roads and by the use of boats adapted to the navigation of the lakes, swamps, and bayous, which have heretofore enabled them to elude pursuit, (including a small steamer, as recommended by the Quartermaster General,) the department expects to acquire an accurate knowledge of the country, and to impress them with the conviction of their inability to escape from or resist the power of the United States. Measures have been taken to cut off their trade, and to make them feel the great inconvenience which will attend an attitude of defiance on their part towards this government. By these means it is hoped the Indians may be peaceably removed to the home provided for them west of the Mississippi, and the claim of Florida to be relieved from their presence be speedily answered. Should this hope not be fulfilled, the measures above referred to are the proper and the most efficient steps preliminary to active operations for their removal by force.

In the other military departments the Indians have repeatedly come into collision with our troops. Depredations upon our frontier inhabitants and upon emigrants passing through the Indian country, have been, and are still of frequent occurrence. In the department of the West, besides

the depredations committed by smaller tribes, hostilities have occurred with the Sioux Indians, the most powerful and warlike tribe of the Northwest. In Texas, they have been so frequent and of so threatening a character, that it was considered necessary to authorize the commander of that department to call upon the governor of the State, from time to time, as exigencies might arise, for such volunteer force as might be required to repel Indian incursions. In New Mexico serious hostilities were repressed by the prompt and energetic action of the troops employed there, but depredations upon the inhabitants are still of occasional occurrence; and in the department of the Pacific outrages of the most revolting character have recently been perpetrated on parties of emigrants on their way to California and Oregon. To repress such disorders, the troops have been actively and constantly employed; and, in the arduous and harassing duties that have devolved on them, have exhibited a gallantry, zeal, and devotion, that merit the favorable notice of the government. The details of these operations will be found in the reports transmitted herewith.

During the past year the Sioux Indians have committed many depredations upon the property of the emigrants passing Fort Laramie, on their route to Oregon and Utah. On the 19th of August, Lieutenant Grattan, of the sixth infantry, was sent, by the commander of that post, with thirty men, to arrest an offender. This entire detachment was massacred by the Indians, with the exception of one man, who escaped severely wounded, and subsequently died. The circumstances of this affair were at first involved in much obscurity, but authentic details have since proved that the massacre was the result of a deliberately formed plan, prompted by a knowledge of the weakness of the garrison at Fort Laramie, and by the temptation to plunder the large quantity of public and private stores accumulated at and near that post. The number of Indians engaged in this affair was between 1,500 and 2,000.

I regret that it has not been in the power of the department to concentrate the troops in sufficient force to prevent, and in all cases to punish, these disorders. The circumstances of the service have been such, and the want of troops in all sections of the country so great, that the concentration would have exposed portions of the frontier to Indian hostilities without any protection whatever. Every favorable opportunity will be taken to post the troops in commanding positions from which they can exercise a supervision of the Indian country, and operate to the best ad-

vantage. The events of the past year have furnished many examples of the inefficiency of small posts. Our entire loss in the several actions with the Indians during the year has been four officers and sixty-three men killed, and four officers and forty-two men wounded.

While the occurrences on our frontier, and in the Indian territory, present gratifying evidences of the zeal and devotion of the troops, they also furnish deplorable proofs of the insufficiency of our military force, and the absolute necessity of the increase which it was my duty to urge in my last annual report. I again solicit attention to this subject, and in doing so must repeat, to some extent, what was then urged.

For military purposes, the territory of the United States is divided into five geographical commands.

1. *The Department of the East*, embracing all the country east of the Mississippi river. This department has 2,800 miles of seaboard, 1,800 miles of foreign, and about 200 miles of Indian frontier. Of the fifty permanent fortifications and barracks on the Lake, Atlantic, and Gulf coasts, now completed or nearly so, and requiring garrisons to protect the posts, cities, and national establishments which they cover, only eleven are now garrisoned, leaving the remainder exposed to a sudden or unexpected attack from any naval power. The total force in this department, at the date of the last returns, was only 1,574 officers and men, and of this number 500 are employed on the Indian frontier of Florida.

2. *The Department of the West* includes the country between the Mississippi river and the Rocky mountains, except the departments of Texas and New Mexico. It has a seaboard, foreign, and Indian frontier of 2,400 miles, 2,000 miles of routes through the Indian country constantly traversed by emigrants on their way to Utah, New Mexico, and our possessions on the Pacific, and an Indian population of 180,000, a large proportion of whom are, in feeling, hostile to us, and many of them at this time actively so. The total force in the department, at the date of the last returns, was 1,855 officers and men.

3. *The Department of Texas*, nearly the whole of that State, has a seaboard frontier not yet protected by fortifications of 400 miles, a foreign and Indian frontier of nearly 2,000 miles, and communications through the Indian country of more than 1,200 miles. The Indian population is estimated at 30,000, nearly all of whom are nomadic and predatory; and the western and northern frontiers of the State are exposed to constant inroads from the Indians of Mexico

and the plains. The force in that department, at the date of the last returns, was 2,886 officers and men.

4. *The Department of New Mexico.*—This department has an Indian and foreign frontier of 1,500 miles, communications through the Indian country of more than a thousand miles, and an Indian population of 50,000, a great proportion of whom are bands who do not acknowledge the authority of the United States. The force in this department, at the date of the last returns, was 1,654 officers and men.

5. *The Department of the Pacific*, embracing the State of California and the Territories of Oregon, Washington, and Utah, and a part of the Territory of New Mexico. This department has a seaboard frontier of 1,500 miles, entirely unprotected by fortifications, except the works in progress at San Francisco, an Indian and foreign frontier of 1,600 miles, and more than 2,000 miles of communications through the Indian country, an Indian population of 134,000, who are becoming formidable from concentration, from the acquisition of firearms and a knowledge of their use. The force in this department is only 1,365 officers and men; but, as heretofore mentioned, they will be increased by an additional regiment ordered there.

To recapitulate. We have a seaboard and foreign frontier of more than 10,000 miles, an Indian frontier, and routes through the Indian country, requiring constant protection, of more than 8,000 miles, and an Indian population of more than 400,000, of whom, probably one-half, or 40,000 warriors, are inimical, and only wait the opportunity to become active enemies. If our army should be expanded to its greatest limit, it would have a force of 14,731 officers and men; but as a large allowance must always be made for absentees, invalids, &c., the effective force would probably never exceed 11,000.

That this force is entirely inadequate to the purposes for which we maintain any standing army, needs no demonstration: and I take occasion again to urge the necessity of such immediate increase as will at least give some degree of security to our Indian frontier. That for this purpose a regular force is not only the efficient and cheap, but the proper and constitutional means, seems to me demonstrable, if not obvious. The President is authorized to call out the militia to repel invasion and suppress insurrection. These are the emergencies for which it was deemed proper to confer upon the Executive the power to call citizens from their homes and ordinary avocations, and these are the great occasions on which they may be justly expected to make all personal sacrifices

which the safety of the country may require. It is in this view that we habitually and securely look to the militia as our reliance for national defence. It was not the design of the constitution and laws to enable the President to raise and maintain a standing army; yet this would be the practical effect of a power, at his discretion, to call the militia into service, and employ them for the ordinary duty of preserving order in the Indian territory. The abuse to which such a power, if it were possessed, would be subject, sufficiently attests the wisdom of our forefathers in not conferring it, and must remove far from us any desire to possess it. If this view of the subject be correct, it follows that the Executive must look to the army regularly authorized by law to preserve police among the Indian tribes, and to give that protection to pioneer settlements which interest, humanity, and duty alike demand. The organization of the two new Territories, and the impulse given thereby to emigration towards the western frontier, and the increase in the overland trains to our Pacific possessions, have multiplied the opportunities as well as the causes of Indian depredations and hostilities. It is reasonable to expect that the ensuing year will be marked by more numerous and serious Indian outrages than the last or any preceding year.

Our border settlements extending from the Missouri westward, and from the Pacific ocean eastward, are steadily pressing the savage tribes into narrower limits and an unproductive region, from which result combinations of bands heretofore separated from each other, producing, at the same time, by their concentration, an increase of power and a diminution of their ability to live by the precarious products of the chase. Hence, a twofold necessity for an increase of our military force.

The question of economy in the employment of the means for this purpose has been frequently and fully discussed. It may not, however, be without benefit to advert to some instructive facts in our past experience of Indian wars.

The expenses occasioned by the war with the Sac and Fox Indians in 1832 amounted to more than three millions of dollars; the definite appropriations for the suppression of Indian hostilities from 1836 to 1841, inclusive, amounted to more than eighteen millions of dollars. Within the past six years large appropriations have been made for the same object in Texas, New Mexico, Utah, California, and Oregon. The aggregate of such expenditures in the last twenty-two years, independent of the regular appropriations for the support of the army, is estimated at more than thirty millions

of dollars—a sum sufficient to have maintained for the whole period a much greater force than that recommended in my report of last year. This sum is independent of the expenditure for property destroyed, compensation to suffering inhabitants, and on account of pensions and bounty lands, and, of course does not include the losses occasioned by the destruction of private property, nor those consequent upon the interruption of agriculture and of the progress of settlement.

These cannot be measured by any specific sum, and, although private in their character, are not limited in their effects to individuals, but by diminishing the resources of the country, become public losses, and as such, are widely felt.

It has been stated by those conversant with all the facts, that if in 1831 a small mounted force had been at the disposal of the War Department, the Black Hawk war might have been prevented; and that in 1835, if a few additional companies had been sent to Florida, the Seminole war would not have occurred.

The state of the recruiting service is shown by the report of the Adjutant General, and the accompanying tables. Since the passage of the law of August 4, 1854, to encourage enlistments, that service has progressed very satisfactorily, both as regards the number and the character of the men enlisted. In the months of September and October last, 1,005 enlistments were made, while in the corresponding months of 1853, the number was only 309. In consequence of the number of companies that have been placed on the maximum establishment under the law of June 17, 1850, the little success that attended the recruiting service prior to the passage of the law above cited, and the greater than usual number of casualties that have occurred during the past year, the number of recruits that will be required for the service for the ensuing year will probably not be less than 6,000.

The estimates for the support of the army during the next fiscal year exceed those submitted at the last session, for the current year, by the sum of \$681,668 39. The increase is to be found in the items for pay of the rank and file at the higher rates fixed at the last session of Congress, and for recruiting, clothing, and subsisting the better filled ranks of the army. In other items there is a decrease; so that leaving out of view the pay of the army, which being fixed by law, this department can in no way increase or diminish the expense of keeping the army in active service, with its ranks

thus increased, during the next fiscal year, will not, according to the estimates, exceed that of the current year. The item of transportation, one of the heaviest expenses, is not increased, and is, therefore, relatively less than that for the current year; thus verifying the expectation stated in the last annual report, that an increase of the army would not be attended with a proportionate increase of expense. In fact, an undue expense in proportion to numbers always results from not keeping on foot a sufficient force. If the force is too small for the line it protects, it must be kept moving. The result is that stated in the Quartermaster General's report. The cost of transportation comes upon the war scale as for armies in the field.

The means of transportation have, in some instances, been improved, and it is hoped further developments and improvements will still diminish this large item of our army expenditure. In this connexion, waiving other considerations, I again invite attention to the advantages to be anticipated from the use of camels and dromedaries for military and other purposes, and, for the reasons set forth in my last annual report, recommend that an appropriation be made to introduce a small number of the several varieties of this animal, to test their adaptation to our country.

I think it but an act of justice to the officers of the army again to call attention to the recommendation made in my last annual report relative to an increase of their pay. The present rates of pay were established more than forty years ago, when money had a much higher value, as measured by the price of food: even as late as 1845, the cost of the soldier's ration was 12½ cents, whilst the estimates of the commissary general for the present year are based on the price of 25 cents for a ration. The necessities of life generally have had a like, if not always an equal appreciation, and, under such circumstances, it would not be just that salaries should remain fixed which were originally graduated to afford the means proper to the officers' support.

The justice of an advance in the salaries of public officers corresponding with the increased cost of the means of living, has been recognized by the Government in the recent laws for increasing the compensation of most of those employed in the civil departments of the public service. These considerations apply with greater force to the case of officers of the army, many of whom are compelled, by the nature of their duties, to reside in parts of the country where even scanty supplies can be obtained only at exorbitant prices.

If it was deemed necessary to offer other considerations

than those of justice and equality, many would present themselves appealing alike to the pride, the liberality, and the gratitude of the American people, to sustain a proposition which only seeks to relieve the military officers of a discrimination alike onerous and wounding.

It can require but little reflection to convince any one that a policy which confines so large a body of intelligent and instructed men to a rate of compensation below that given in the ordinary occupations of life, must tend to drive from the military service its more active and efficient officers. If, as I doubt not, there will be many honorable exceptions to this general proposition resulting from strong professional attachment to the army, they are exactly such exceptions as would claim increased consideration from every one who can estimate the patriotism and elevation which should characterize the officer to whom the honor and flag of his country are intrusted.

In the law of the last session of Congress to increase the pay of the rank and file of the army, the terms used to designate the grades of enlisted men are construed to exclude those of the Ordnance Department. As this exclusion is supposed to be accidental and unintentional, it is suggested that an explanatory act should be passed to extend the increase of pay to all enlisted men of the army. The pay of ordnance laborers and mechanics would still be much below the ordinary wages of such employments.

I would again call attention to the propriety of additional legislation which shall place the widows and orphans of the officers and soldiers of the army on an equality with those of the officers and sailors of the navy. The subject has been repeatedly recommended by the Commanding General of the army, and it is again brought to notice in his report of this year.

In some important particulars our military legislation in regard to rank and command, as well as to organization, needs revision. In armies it is essential that it should be known, under all possible circumstances, who is the officer entitled to command. Doubt as to the source from which orders are to emanate is destructive of discipline and subordination, and might, on many occasions, compromise the safety of the troops. On this important point our military law is exceedingly vague and defective. Much of the mischief that otherwise would have resulted has been prevented by the care of the department in keeping asunder officers whose claims would come in conflict, and by the patriotic self-denial of the officers themselves, who, in many instances, have

waived claims to command which they believed to be well-founded, and served under those whom they considered as their juniors. Nevertheless, many unseemly controversies have arisen, engendering jealousy, rancor, and insubordination; and the decisions in such cases, so far from putting at rest the questions involved, present a mass of conflicting arguments, from which no general principle can be educed, and which serve only to furnish to every disputant the means of maintaining his own cause. So numerous and contradictory have been the decisions of the highest authority on questions of rank, that no executive regulation or judgment of a court-martial could now establish any certain rule, or fix the interpretation of the law; for either of these would be met by as high authority for a contrary doctrine, and would probably be in turn overruled. Congress only can apply the remedy; and whatever rule they may, in their wisdom, adopt, should be simple in its terms, and universal in its application.

One fruitful source of difficulty arises from double rank. In our service, as in the English, an officer may have one grade by brevet in the army, or at large, and another in a particular regiment or corps. The law has attempted to define the cases in which one or the other of these commissions shall take effect, and it is to the defective and insufficient manner in which this is done that much of the confusion above alluded to is due. The statutory provision on the subject is copied from the English. Even in their service it has proved a source of much trouble, and, as in ours, there is a class of commissions not known to theirs—commissions in the army at large, not by brevet. The interpretation of the law is further embarrassed by the necessity of applying it to a class of cases for which it was not intended.

To remove this cause of difficulty, some have proposed to abolish brevet rank altogether, but there are many stronger reasons against this course. Brevet rank affords an honorable incentive and reward to distinguished conduct, and enables the government to avail itself of the services and abilities of meritorious officers in higher commands than they would be entitled to exercise by their ordinary rank. It is true, indeed, that these arguments lose much of their force and application, if the system of brevet promotion is not discreetly and justly administered, and that the system itself produces a shifting of rank dangerous to discipline and military authority. The main benefit of the system is in affording selections for command, but the present law gives brevet rank effect in all detachments composed of different corps,

and selection is as much restrained by this rule in favor of brevet rank as by the rule in favor of ordinary commissions. To avoid the evils without forfeiting the benefits of the system, it is proposed to give effect to brevet rank only when the President may see fit to authorize it. As these commissions are designed only to take occasional effect, there seems to be a propriety in requiring his sanction, either direct or delegated, as constitutional commander-in-chief of the army, to give them effect. A further limitation, however, should be put on them. As they are not intended, and ought not to be allowed, to advance an officer in his own corps over his proper seniors, the exercise of them ought to be forbidden, as it now is, in the regiment, troop, or company where the officer belongs and is mustered.

A difficulty of still greater magnitude is found in the enactments intended to regulate rank and command when different regiments and corps do duty together. The general provision is, that the command shall devolve upon the officer highest in rank "in the line of the army;" but these words were new in that connexion, and of undefined signification, and it cannot be determined whether they were intended to include officers holding commissions by brevet in the staff or in certain special corps. The interpretation that has prevailed in our service is, that they do not embrace any officers of the general staff except the major-general and the two brigadier-generals; but this is not acquiesced in by many, and the question is still productive of frequent controversy, attended with all the evils which have been above enumerated.

I find much difficulty in proposing any general rule to govern, in this particular, such a military organization as ours. It is clearly improper to exclude from command, according to their rank, the officers of the military staff, whose duties are as important to the service as any other class of military duties below the chief command, and require equal general capacity, professional skill and experience. This would, in effect, convert the military staff, so essential to an army, into a *quasi* civil corps. On the other hand, officers whose duties, being confined to a special corps, remove them from the ordinary service of troops, ought not to take, by seniority, the military command for which their special service has not qualified them.

This remark does not, indeed, now apply to all officers of the staff corps, in the higher grades of which are found many officers who, having long served with troops, and won distinction in battle, were transferred to the places they now

hold. But the principle of promotion has since been applied to these corps, and, under its operation, their places must ultimately be filled by officers early separated from the general service, and thenceforth confined to a round of special duties. These difficulties can be obviated only by a change in the organization of the general staff itself; and I propose it with less reluctance, as I share the conviction entertained by officers of experience, that the organization is not well calculated for the duties of the staff itself. And I think that not only the efficiency of the staff, but the general good of the whole military service, would be promoted by some essential changes which I shall proceed to submit to your consideration.

Our military general staff, besides the major-general and the two brigadier-generals, who are habitually in command of troops, is composed of an Adjutant General's Department, Inspector General's, a Quartermaster General's Department, and a Commissariat of Subsistence. The officers of these departments, all of whom have military rank, form so many corps distinct from the rest of the army, with promotion confined to their own corps. The embarrassments in regard to rank and command, resulting from this arrangement, have been stated. But worse evils result from it in the ordinary staff service. In the first place, most of these staff duties require military knowledge, only to be derived from general service and experience. In the second place, from various causes and accidents, errors may be made in the first selection: either the officers selected may not be qualified, or they may become disqualified for their special functions, and yet be fit for the general service. These are evils which the government should, at all times, be allowed the means of correcting. A good staff is so essential to army operations that it is important to secure its constant efficiency. There are, to my mind, conclusive reasons why the staff should not be organized into permanent corps, and experience in the administration of the War Department has furnished many practical proofs of them. If the duties of the staff were performed by officers holding temporary appointments for such service, all the benefits might be secured of a large field of selection, at all times open, of general experience in the service, and of special qualifications for staff duties. The principal officers found particularly qualified for their special duties would naturally be retained. Those who might not be useful on the staff would be replaced in their regiments. Either class not having been confined always to a staff corps would be qualified for such military duty or command as the

course of service, according to their rank, might devolve upon them.

It has been stated that our organization is peculiar. A brief reference to some of the European systems may aid in illustrating the views hereinafter submitted of a well-organized staff.

The French staff is divided into two branches—a military and a civil. The military has charge of all that relates to orders, movements, and military operations; the civil furnishes all the supplies of the army.

The officers who furnish the supplies have no rank. The military staff have rank, and succeed ordinarily to command by virtue of it. This military staff is composed of two classes of officers; the highest positions in it are filled by selection from the general officers of the army, so as to secure the best capacity and experience, in the service. For the subordinate and more routine duties they have a special corps; but the functions of this corps are of much importance, and to supply it with fit officers, they have provided a special military school, and a complete system of instruction in all its duties.

This system is simple, with many obvious merits. It brings all the military staff into one line and under one head. It secures the double benefit of experience in the general service, and in the special duties of the corps. But it is a system only practicable in a large army. The permanent corps must be such as to afford a sufficient field of promotion. A small establishment does not allow of both selections and permanent appointments. Nor is the separate school and corps for the staff needed in our army, in which a large proportion of the officers are prepared for such duties by the complete course of studies at our Military Academy. This is an advantage which our service has over those services where the size of armies does not permit the education of officers by government except for those corps in which it is indispensable, and has attracted the attention of foreign officers and writers.

Instead of one corps to which all the military staff business is assigned, the English army has two principal military staff departments—the Adjutant General's and the Quartermaster General's. The chief officers of these are generals of the army, appointed temporarily on the staff; the inferior are appointed, in like manner, from the regiments. Neither class gain rank by these appointments.

The Adjutant General's is the department of military orders and regulations of the recruiting of the army, and of all

correspondence connected with the discipline and equipment of the troops.

The duties of the Quartermaster General's department relate to the marching, embarking, transportation, billeting, encamping and cantoning of the troops, and the distribution of their quarters. It is the office of all correspondence relating to military science and topography, maps and plans.

Besides these military departments of the staff, is the Ordnance, which, though not strictly a staff department, and having many important functions not of the staff, yet provides many supplies for the army, and is charged with much of that part of its staff business.

Both these systems, it will be observed, avoid the mischiefs indicated as arising from corps organization like ours, limited to permanent officers. As to which is best where they differ—the English in dividing, the French in uniting, the military functions of the staff—there seems not much room for doubt, if the purely military business of the staff only were in question. The advantages gained by unity of responsibility and authority in military operations overbalance those of special experience and skill that arise from division of labor. But there are a mass of staff duties, not purely military, connected with army supplies and equipments. All these cannot be accumulated upon one military staff; and an organization which provides only a single military staff makes necessary the employment of other agents for supplies. But supplies are as essential as the movement of troops to the operations of an army. To separate the furnishing of army supplies from the other staff duties is, at last, to destroy the unity of military administration in a point where it is always useful, and sometimes necessary, to preserve it. And to confide the supplies to civil agents is to lose the control, where it is so important to retain it, which commanders exercise over military officers. It was in his first great campaign to the frontiers of Russia that the Emperor Napoleon found the great utility of giving a military organization not only to his artillery trains, but also to the general equipage and transportation trains of his armies. The civil machinery of the French staff is now censured by some of their able military critics as too expensive and too much removed from military control. In these respects it is contrasted with the Prussian system, where every branch of the army administration is brought under military supervision and direction; to which are attributed that admirable efficiency and economy which enable Prussia to maintain so large an army in proportion to her revenue. In lieu of this control, the French system

substitutes, as a machinery of paper checks, a mass of writings and an amount of bureau labor, which have been justly condemned as hardly possible in war, and as really affording no efficient security for the fidelity and economy of the expenditures. In a comparison of the relative expense of the two systems, the French is stated at more than \$1,020,000 a year in salaries, and the Prussian at \$19,000.

It is not recommended to bring our military staff into one corps, or to incur the increased hazards and expense of a separate corps for supplies. On the contrary, it is thought that, without attempting so entire a revolution of the system to which we have been accustomed, a staff organization may be devised which will avoid the evils of our present system, and will secure the benefits of the French and English systems, with others which neither of them affords. One principle, however, should govern in any system that may be adopted—that of throwing open the appointments on the staff to selection from the officers of the army at large.

I now proceed to state, somewhat more in detail, the organization recommended.

We have now one major general commanding the army, and five other general officers commanding as such by brevet or other commissions, the five geographical departments, and one brigadier general at the head of the Quartermaster's department.

It is proposed that the brigadier generals shall be nine in number. This will give one for each department, as now; one for Quartermaster General, as now; one for Adjutant General; and two for the Inspectors General, being an addition of three to those who now, by brevet or otherwise, have rank and command as brigadier general.

The duties of the Adjutant General of the army are those which in other services belong to the chief of the staff. It is obvious that he should have as high rank as any other member on the staff with him, and as the department commanders. Congress marked their sense of the duties of this office by a special act, allowing to the late Adjutant General the exercise of his rank of brigadier general.

Inspectors General must have different functions in war and peace. It is impossible for them (and so the regulations of the French service explain the employment of these officers) to exercise their inspection functions with troops in actual campaign. There, the generals in command must take care of the condition of the troops. But, in peace, and with scattered garrisons, and in a service distributed like ours, the inspection service is highly important. By taking, in

time of peace, inspectors from officers of the grade of generals, they will have a proper rank and authority for the inspection service when so employed. Their duties suggest the special reasons why the inspectors should not be commissioned permanently and solely for that service.

Besides the Adjutant General of the army, there will be needed in this branch of the staff about seven officers, taken from the regiments and corps: one at the headquarters of the army, one at the office of the Adjutant General, and one at each department or district headquarters. One of these would probably be available when any important detachment may be collected for actual service; or, if others are needed with armies in the field, they may be authorized as occasion may require.

The ordinary service of the Quartermaster's department in regiments, posts, and detachments, should be performed by the detail of capable officers from the command. A limited number of experienced officers will be needed to perform the more important duties of the department with large commands, or at the principal stations, and to supervise and control, under the generals in command, the operations of the inferior officers in the parts of the country most remote from the seat of government, and from the direct authority of the Quartermaster General. Ten field officers would probably be sufficient at any time. It is doubted if so many would be always required. Selection and temporary appointments will regulate the number employed by the actual wants of the service.

At the head of the Subsistence department there should be a Commissary General, taken from the field officers of the army, with the pay and allowances of colonel, as at present.

A few officers would be required for the principal stations and duties; but the ordinary business of the department, being mainly the care and issue of the rations to the troops, to be performed at posts, and with troops on the march by proper officers detailed from the subalterns. The officers of this department should be charged with the supply of clothing for the army.

It may be proper again to advert to one effect of this plan of details—that in selecting a sufficient number of junior officers to perform the ordinary service of the staff in the field and in garrison, most of them still serve immediately with the troops, and will not cease to be instructed in regimental and field duties.

It is not proposed to disturb the present system as regards

the pay of the troops and the hospital service. Hospital supplies may undoubtedly be best procured by the medical officers who administer them; and in this business no other agency is needed for economy or efficiency. To maintain a separate corps for the mere payment of the troops is an expense rather disproportioned to the strength of our army. But our troops are distributed over so great an extent of country that the pay officers on the establishment seem to have sufficient employment. When troops are assembled in campaign, the paymasters might have additional duties imposed on them; as the care of the military chest, and the payment (as to some extent in other services) of money upon orders and warrants for other branches of the military administration.

Topographical services being included in the functions of the corps of engineers, and of officers of the general staff, it is not deemed expedient to retain a separate organization for the topographical corps. Engineers should be instructed by proper practice and employment in all the various and important duties of the engineer service; and that organization is very objectionable which makes a permanent distribution of duties which should be equally shared and practised by all, and appropriates a large portion of officers to one, and that, ordinarily, a less important portion of its services.

In this connexion it may be in place to remark, that as the duties of engineers require a continued study and experience of a special kind, they require a permanent body of officers. But no injury can result from intrusting the command of troops, according to their military rank, to officers whose functions, in the language of our articles of war, appertain "to the most elevated branch of military service." It is, therefore, recommended to give effect to the rank of engineers, as of other officers charged with military duties, in accordance with the rule which governs all other service.

The remarks relative to the specialty of the duties and studies of engineers, in some measure, apply to those of officers of the ordnance. But advantage will be found in giving on the one hand to the officers of ordnance the benefit of a previous service with troops, and on the other hand in giving to the officers of troops the opportunity of acquiring useful practical information relative to the construction and preservation of their arms and equipments. With this view, it is recommended to retain in the ordnance corps only a small number of permanent officers for the more im-

portant arsenals and duties, and to associate with them, as assistants, junior officers, taken, by detail, from the regiments and corps.

The Judge Advocate's department has now only one permanent officer. Officers to officiate as judge advocates at courts-martial are appointed by the officers who order the courts. This duty requires legal study and experience, but it also requires a familiarity with the military laws and the customs and regulations of the service. It is, therefore, proper that judge advocates should be appointed from military officers, which is the system now practised.

In the proposed organization, it is not intended to give increased rank, by virtue of their temporary appointments, to the officers employed on the military staff. Their rank would remain according to their commissions in the army. It may be inexpedient to narrow the field of selection by defining the grade from which they shall be taken. They should receive the cavalry pay and allowances of the next higher grade.

This organization removes all grounds of controversy and objection to the rank and exercise of command by staff officers. It leaves military rank to all the military staff.

I cannot doubt that an organization upon these principles would materially increase the efficiency of the staff and promote the general good of the service. It would require, of course, a greater number of officers in the regiments than the law now provides to furnish the necessary details and appointments on the staff, as well as for regimental duty. No injustice or undue hardships would probably result to individual officers of the present staff corps in assigning them to regiments. If the law for the retired list shall pass, there will be no difficulty on this head. But, in any event, the interest of individuals must yield to the public good.

The present organization of the regiments is also capable of material reforms. In the artillery line we have now a larger body in proportion to the strength of the army than can be spared for the proper service of artillery. In fact, most of our artillery has always been armed, drilled, and employed as infantry. As, however, it is necessary that every regular army should have a proportion of artillery, armed, instructed, and ready for service, it is proposed to reduce our artillery to the size which our service requires and can maintain. The regimental organization is now given to it, but in the field our artillery serves by batteries, and it is proposed to organize it in one corps, of such size only as may suffice for instruction and for necessary service

in the field and in the fortifications. The officers and men now in the artillery not required for the reduced corps to be converted into regular infantry. A sufficient artillery would be about half the strength of the present four regiments of artillery, and would leave enough to make two regiments of infantry.

The cavalry force of our army being all required for active service of the same kind, there appears no propriety in making a permanent distinction in the designation and armament of the several regiments: it is, therefore, proposed to place all the regiments of cavalry on the same footing in these respects, and to leave it in the power of the Executive to arm and equip them in such manner as may be required by the nature of the service in which they may be employed.

The remarks just made in regard to dragoons and mounted riflemen apply to the case of infantry and foot riflemen. In increasing the force of foot troops, it is proposed to designate them all as infantry, leaving to the Executive the selection of the arms and mode of instruction applicable to their service in the field.

A strong reason for this arrangement exists in the fact that, with the recent improvements in small arms, it is probable that the distinction in the armament of heavy and light infantry, and riflemen, will nearly cease, especially in our service, where the whole force is liable to be employed as light troops.

In the Prussian army, even before the adoption of the new arms, the service of skirmishers or light troops regulated the instruction of the whole body of infantry.

It has always been difficult to devise a rule of military promotion by which the interests of the State may be secured in advancing none but competent men, without affecting the just pride of the officer or violating the consideration due to long and faithful service. Undoubtedly, if it were possible that the appointing power should always exercise a perfectly enlightened and impartial judgment, the rule of promotion by selection might be advantageously applied in filling up all the grades of the army. But in no military service has it been thought safe to adopt this rule to such an extent, and in our army the difficulty of its application is vastly increased by the usually scattered condition of the forces, as well as by other considerations.

The appointment of fit men for commissions in the lower grades of the army may be in a great measure, secured by requiring, in all cases, a preliminary examination, as is now required for the promotion of cadets and non-commissioned

officers. But with every precaution in the first appointment, some officers will be found unsuitable for discharging the duties of the higher grades, or they may become disqualified in consequence of the infirmities of age or other disability. The proposed organization of the general staff provides a remedy so far as relates to their important duties, by opening a wide field for the selection of general and staff officers, and for replacing those who may, on trial, be found to want the peculiar qualifications requisite for those duties. This principle may, perhaps, be advantageously extended to the selection of officers for some other important stations in the army, just as it is now applicable by law to the appointment of a commander of the corps of engineers. It is necessary, therefore, in order to maintain an efficient body of officers, that some provision shall be made for the cases above alluded to, where officers may be disabled or disqualified for promotion. The only means for affecting this object without injustice to faithful public servants is, to create a retired list, which may provide the means of retreat for disabled officers, like that which the institution of a military asylum has afforded to other disabled soldiers. This measure has already received the favorable consideration of one branch of Congress, and its final adoption is urgently recommended as being absolutely essential to an efficient reform. Its adaptation to the service may be tested by restricting to a short period (one year) the exercise of the power to place officers on the retired list, and requiring the renewed authority of law for its continuance; and as to the expense, though that is not the primary consideration in a question which involves the efficiency of the army, it need only be remarked, that by the present law the disabled officer who renders no service draws full pay, while, on the retired list, he would receive a much smaller allowance. So far as relates to them, the expensive system is that which keeps them on full pay. Whatever military establishment a nation maintains should be kept efficient; and it never can be so if the higher ranks are occupied by officers incapable of service. The only choice is to retire them on some reduced allowance, or to disband them. The last is a remedy too harsh to be applied to faithful officers, disabled and worn out in its military service.

For detailed information concerning the Military Academy, I refer to the report of the last board of visitors, and to that of the chief engineer, *ex officio* inspector of the Academy. The proposition submitted in my last annual report, to increase the academic time of cadets by the addition of one

year, has been matured and put into effect by dividing the last admitted into two parts—the first to pursue the former course of four years, and the second, composed of the junior and less educated members, to pursue the newly arranged course of studies, which will occupy a term of five years. By this arrangement we avoid an intermission in the supply of cadets to be attached as brevet second lieutenants to corps and companies; and all classes hereafter admitted will be instructed according to the plan of studies arranged for the five years course. In general terms, it may be stated that the scientific course has not been increased, and that the additions made are those appertaining to practical military instruction and extension of the course of languages and national law. These additions were deemed necessary to qualify military officers for the high and delicate duties they are sometimes required to perform; and they could not be added without increasing the term or subtracting something from the thorough scientific education included in the course heretofore pursued.

From a recent inspection of the Academy, I can bear testimony to its successful administration, and the many and decided improvements which have from time to time been made. Additional means of instruction have greatly facilitated the acquisition of knowledge, and better arrangements in the quarters and recitation-rooms have materially contributed to the economy, comfort, and order of the corps.

I concur in the recommendation of the chief engineer for the establishment of a new professorship to replace that of "ethics and English studies." This chair is now filled by the chaplain of the post; and if it was ever desirable that the pastor of cadets should also be a member of the academic staff, the wider range recently given to the study of philology, national law, and the contemplated addition of cognate branches, renders it impracticable for one person properly to perform both duties.

I also concur in the estimates of that officer for an appropriation for the commencement of the construction of additional quarters for officers on duty at the Military Academy. The necessity for this is fully stated in the report of the board of visitors and the chief engineer. The total cost of the proposed buildings is estimated at \$44,054 46, about one-half of which is asked for the current year.

The condition of the seacoast defences is stated in the report of the chief engineer. The grant of appropriations for these works at the last two sessions of Congress, after their suspension for several years, during which the policy of con-

tinuing them was very fully discussed, is regarded as a final decision of the question; and I advert to the subject only to say that recent experience in Europe has placed beyond doubt the wisdom of that conclusion. No defences can long avail a people who cannot meet their foes in the open field; and our fortifications are not intended to serve as the refuge of weakness, or as the strongholds of unpopular power. On the seaboard, in advance of populous cities and important harbors, they are designed to arrest the progress of hostile fleets, and force the invader to abandon his attack, disembark his troops, and pursue his attack by land. The capacity of sea-coast defences to affect this object against the most powerful armaments that have ever been placed afloat, is amply demonstrated by the results of the late military operations in the Black sea and the Baltic.

Happily, we may profit by the experience of others without suffering the evils that attend the practical solution of such problems.

Though our arms have heretofore been considered the best in use, recent inventions in Europe have produced changes in small arms which are now being used in war, with such important results as have caused them to be noticed among the remarkable incidents of battles, and indicate that material modifications will be made in the future armament of troops.

The superiority of the grooved or rifle barrel and elongated ball, in range and accuracy of fire, has been long known, yet the difficulty of loading this weapon has hitherto, for most military purposes, counterbalanced its advantages. To overcome this difficulty two methods have been proposed: the first, by loading the piece at the breech, has been for some time in use, but has defects which all the ingenuity expended on it has failed to entirely overcome; the second method, which has produced the important results above indicated, is to use an oblong ball of such diameter as to be readily introduced into the piece, but which afterwards is expanded so as to fill the calibre. This was at first done by providing a rest or support at the junction of the chamber with bore, as in Capt. Delvigne's method, or by means of a solid pillar in the axis of the barrel, upon which the ball rested and was expanded by blows from a heavy rammer. This was the plan of Col. Thouvenin, of the French army, and is known as the system "*a la tige*" which has been extensively used in their service. The same object was subsequently attained by inserting into the rear part of the ball a conical iron cup, which, being driven into the lead by the

explosion of the charge, acted as a wedge to expand the ball. This is the plan known by the name of its inventor, Captain Minie, of the French army. Still more recently, in England, the ball has been improved so as to expand by the force of the powder alone, without the aid of the cup. This is known as the Pritchett ball, having been brought into use by Mr. Pritchett, a gun-maker of London. This idea also had been suggested by Capt. Delvigne.

My attention being drawn to the subject, I directed experiments to be made by the Ordnance department, both as to the proper shape of the ball and the best mode of grooving the barrel. In the course of these trials some important conclusions were reached—agreeing, as was afterwards ascertained, with the results of the investigations then making in Europe. Although our experiments have been confined to our service-rifle, and are yet incomplete, they confirm the great superiority claimed for this invention abroad. They show that the new weapon, while it can be loaded as readily as the ordinary musket, is at least equally effective at three times the distance. The foreign experiments indicate a still greater superiority of the new arms. These results render it almost certain that smooth-bored arms will be superseded as a military weapon; but great caution is requisite in introducing a general change in this important element of national defence, for the waste of public money is not the greatest of the evils resulting from the adoption of an erroneous system. The strong probability of a change, and the fact that we have already accumulated so large a supply—more than half a million of muskets and rifles in the arsenals of the United States, besides about three hundred thousand in possession of the States, at a cost of near ten millions of dollars—render it not expedient to continue, at this time, on a large scale, if at all, the manufacture of small arms of our present patterns. But, until experience shall enable us to decide on the merits of the new improvements, I am of opinion that our expenditures for small arms should merely be confined to the making of such as are required for fully testing these inventions. I have, however, asked for the usual appropriations for the national armories, in the hope that our experiments and trials in actual service, and the experience of the present war in Europe, will enable us soon to decide on the value of the recent modifications, and to continue the manufacture of arms upon improved models.

Congress, at its last session, made an appropriation for the purchase of a number of the best breech-loading rifles.

To ascertain which among the many that have been invented are the best, public notice has been given through the newspapers of the appropriation and its object, inviting all inventors to furnish samples of their arms. When all who choose to compete shall have submitted their arms, a number of each kind deemed worthy of trial will be subjected to such practical tests as may determine their relative merits as military weapons. Should the result, as it probably will, secure a substantial and simple breech-loading arm, it will supersede our present patterns for the use of cavalry.

The efficacy of these new patterns of arms will be further increased by an approved mode of priming, which has been approved by the highest officers in our military and naval services. Operations are now in progress to perfect the details of fabricating this new primer and applying it to finished arms of the old pattern, as well as to new ones now in process of manufacture.

In anticipation of an increased, if not exclusive use of rifle arms by the regular army, and because of the belief that the rifle or light infantry system of instruction is best adapted to the foot militia, I have caused inquiries to be instituted into the systems used by the light troops of other countries, that complete light infantry or rifle tactics might be introduced into our service with such improvements as the experience of other armies has shown to be valuable. A work on this subject is now in the course of preparation, and it is expected will be, in a short time, submitted to you for such action as it may be deemed worthy to receive.

Attention is again called to the necessity for legislation to provide a more certain and equitable mode for the distribution of arms among the militia, and to the propriety of supplying them with books of tactical instruction, as contemplated in the clause of the constitution, "for training the militia, according to the discipline prescribed by Congress."

I have to ask attention to the necessity for further legislation for the sale of useless military sites. According to the construction which has been given to the acts upon this subject, and which, though its correctness has been doubted, must be regarded as settled by the practice of the department, the act of March 3, 1819, applies only to military sites then held, and that of April 28, 1828, only to lands "conveyed to" the United States for forts, &c. According to these views, there is no provision for the sale of lands which, since the 3d of March, 1819, have been reserved from the public domain for military purposes; and I there-

fore recommend that the provisions of the acts giving authority to sell useless military sites be extended to embrace those reservations.

Many reservations around military posts, originally established on the frontier, and now rendered useless by the advance of population, have acquired great value, not only from the rise in the price of lands in such localities, but from improvements put upon them by the labor of the troops, or at public expense. In disposing at public sale of some of these, which came within the act of 1819, it was found that the bids were far below the fair market value of the land—a result which has been attributed no doubt correctly, to combinations among the bidders. I concur with the Quartermaster General in the opinion that similar results can be prevented in future only by establishing a minimum price, below which the land shall not be sold; and I recommend that provision be made for this purpose in any act that may be passed on the subject.

The accounts of disbursing officers have been rendered with more than usual punctuality during the past year, but yet not with the promptitude which the department desires to enforce. Many officers, not having staff appointments, besides the performance of their appropriate duties in the active and arduous service of the frontier, are charged with the disbursement of public money, and with the care of public property. This, besides the labor it involves, subjects them to some loss which no care can avoid, and which is a tax upon their pay. To reimburse this loss, if not to remunerate their labor, I concur with the Quartermaster General in recommending that some additional pay be allowed.

I cannot too strongly urge the necessity of effectual measures being taken for the prompt settlement of accounts of disbursing officers at the treasury. The delay to which they are now subjected exerts a most injurious effect by destroying the salutary impression of a watchful superintendence of public expenditures, paralyzes the efforts of this department to enforce promptness in accounting, by keeping it in ignorance of the true state of officers' accounts, and exposes them to loss by failing to give them notice of errors or defects of evidence until the accidents and mutations incident to army life have destroyed their ability to rectify the one or supply the other. One cause of the delay has been the distribution of military accounts between two auditors, both of whom, in some cases, have to settle different parts of the same account, and even sometimes different items of the same voucher. It is hoped this inconvenient and useless arrangement will be

abolished, and all the military accounts committed to a single auditor. It is scarcely to be expected, however, that this measure alone will remove an evil which has resisted the earnest efforts of this department for a long series of years. It is, however, the remedy suggested by our present knowledge of the case: and if further investigation shall develop other causes of the delays complained of, it will also indicate the additional means necessary to complete the reform.

The arrangement made by the Treasury Department, by which disbursing officers are enabled to keep funds on deposit with the assistant treasurers of the United States, proves to be of great advantage to the service, and promises, when more perfectly understood and carried into full effect, to obviate most of the inconveniences heretofore experienced in transmitting funds and making disbursements in remote parts of the country. It preserves the control of the department over the public moneys till the moment of their expenditure, and enables it, in the event of the death of an officer, to reclaim its funds without waiting for the appointment of an administrator or the settlement of his accounts. It also removes, in a great measure, those temptations which the possession of large sums of money in times of active speculative excitement cannot fail to present.

I have again to invite attention to the necessity of some general provision for the prosecution of suits involving titles to lands and other public interests, committed to the charge of this department, and for the settlement of accounts for counsel fees, costs, and other expenses incurred in maintaining the rights of the United States in such cases. In the absence of any provision of law on the subject, this department has been subject to exorbitant charges, and has experienced much embarrassment in the conduct of suits.

In pursuance of the views stated in my last annual report in reference to river and harbor improvements, the department has adhered, in the directions it has given, to the design of making them as complete as possible, without any operation being undertaken which would be dependent for its completion upon future appropriations. Some works have been completed in conformity with these views, but, by reference to the reports of the colonels of the two corps of engineers, it will be seen that a large majority are unfinished, and that in many cases the balances of appropriations applicable thereto are not sufficient to effect results of much value. As no appropriations were made at the last session of Congress, I have deemed it unnecessary to present further estimates at this time.

To the general remarks upon this subject in my last annual report, I have only to add that experience confirms the opinion that no benefit at all commensurate with the expense has been obtained or is to be expected from appropriations granted and applied in the mode heretofore pursued. Much of the expenditure has been utterly lost for want of further appropriations to complete what has been commenced, and works completed have fallen into ruins for want of appropriations to preserve them from dilapidation by the violence of storms, the wear of currents, and the progress of natural decay. A rock or snag removed from a navigable channel is a benefit gained forever, but artificial structures to protect harbors or change the course or increase the velocity of currents, must undergo deterioration, which, however small, will be constant; and whatever policy may be hereafter adopted in regard to such works, it will be imperfect unless it embrace not only their completion upon the plans selected, but their preservation from the operation of the natural agencies which tend to destroy them, as well as from injury or occupation by trespassers. No means will be adequate for these objects unless accompanied by a cession of exclusive jurisdiction over the site, or at least ownership of the soil. Questions have already arisen which seem to indicate the difficulties which must inevitably occur from the want of jurisdiction and title whenever the powers now necessarily exercised in the prosecution of these works shall come in conflict with the rights or interests of individuals.

The survey of the northern and northwestern lakes has made steady progress, and the documents accompanying the report of the Colonel of Topographical Engineers show an unusual progress in this work accomplished during the past season.

The roads in course of construction in the Territory of Minnesota have been prosecuted with the means at the disposal of the department, and a document in the report from the Topographical bureau will show the system pursued and the progress made in their construction. With regard to those in Oregon, Utah, and New Mexico, special instructions have been given from this department, of which copies are appended, designed, in each case, to secure, in the first place, a practical wagon-road between the termini, with such improvements afterwards as the balance of the appropriation would allow. The roads in New Mexico, from Taos to Santa Fe, and from Santa Fe to Dona Ana, authorized by the act of July 17, 1854, have not yet been commenced. The location of these, or at least of the latter, will depend, in a great

measure, upon the success which may attend the efforts to obtain water along the route by wells, for which the act makes provision. The cheapest method of obtaining it will, it is believed, be by boring, for which purpose implements could not be obtained in that country. Measures have been taken to procure the necessary tools and apparatus in connexion with the examination and trials to be made for the supply of water by Artesian wells on the routes for the Pacific railroad. When these have been completed the same apparatus can be economically used for the wells on the military roads.

Since the date of my report of February 6, 1854, communicating to Congress copies of all reports then received from the engineers and other persons employed in explorations and surveys to ascertain the most practicable and economical route for a railroad from the Mississippi river to the Pacific ocean, the six parties engaged in those surveys have completed their field duties; reports from four of them have been received, and printed under a resolution of the House of Representatives, passed at the last session; the two remaining reports, it is expected, will be ready for the printer in the course of next month. No provision was made, by the resolution above cited, for engraving the maps; without them the reports are comparatively useless.

In making surveys of this character, the maps and reports, being hastily prepared in the field, and generally at night, after a day of fatiguing duty, require careful revision in the office, and are considered as merely preliminary to the more elaborate results which finally take their place. Hence it has been found necessary to return some of the reports for revision, and in some cases to replot the work and make new maps.

When all the reports and maps are received, they will be laid before Congress, with a general report, and a map exhibiting all the routes and such profiles and other drawings as will be necessary to illustrate the subject.

An appropriation having been made, at the last session, for continuing these surveys, a party has been organized to make further explorations between the plains of Los Angeles and the waters of the bay of San Francisco, to determine whether there be a practicable route for a railroad through the mountain passes of the Sierra Nevada and coast range which extend to the sea-coast at Point Conception. A second party is making preparations for testing the practicability of procuring water by means of Artesian wells upon the arid plains which occur in the several routes. The results of the surveys already made will, when assembled and com-

pared, probably indicate the direction in which further explorations shall be made by parties organized to take the field next spring, as early as the season will permit.

I refer to the report of Captain Meigs, of the corps of engineers, the officer in charge of the Capitol extension, for a very satisfactory account of the progress of that work. The exterior facing of the walls has been retarded by the difficulty of obtaining, under the contract, a sufficient supply of marble; but the brick work is well advanced. The walls of the Senate chamber and Representatives' hall are finished, and these rooms will be placed under roof during the present winter. It is expected that they will be completed by the meeting of the next Congress; but the delay in the supply of marble may so retard the completion of the outer walls, and the corridors depending thereon, as to prevent their being occupied so early.

The style of the work, both in finish and strength, has been of a higher standard than was contemplated when the estimates were made; but the administrative capacity and professional skill of the officer in charge have so kept down the expenditures, that it is believed the cost will not exceed the estimates made for an inferior building.

The modifications made in the interior plan of the structure are now so far completed as to be seen and easily understood; and I feel additional assurance as to the successful solution of the difficult problems of acoustics, optics, and ventilation, presented especially in the construction of the Hall of Representatives.

Operations on the work designed to supply this city with water have been suspended for want of funds. It is hoped that appropriations will no longer be withheld from this important work. I have seen no reason to change the opinion that it was judiciously planned and located. My confidence is strengthened that it will be completed at a cost within the estimate, and will secure the object in view with more certainty, and—taking into view the permanence of the work, its capacity to supply future wants, and the absence of machinery, entailing annual expense—more economically, than any other mode that has been suggested.

By the civil and diplomatic appropriation act, approved August 4, 1854, this department was authorized to purchase, for \$200,000, the large fire-proof building at the corner of F and Seventeenth streets, which has long been occupied in common by bureaus of the Treasury, Interior, Navy, and War Departments. The lease under which it was held expired on the 30th of June, and the owner, who had given the

department due notice, refused to renew it for a less rent than \$30,000 per annum, which Congress had refused to appropriate. A thorough survey of the building was made by competent engineers and builders, who estimated its value, in its actual condition, at \$197,042, \$197,997, and \$198,342, respectively, and, after some negotiation, the owner agreed to accept the amount of the appropriation in payment for the building and in satisfaction of all claims for damages, and also for arrears of rent accrued since the termination of the lease—nearly three months—which could not be paid, as the act was regarded as making an appropriation either for purchase or rent, but not for both.

It is true the plan of the building was not considered as the best adapted for public offices, but Congress had refused to allow the rent demanded by the owner, and had thus left the department no alternative but to purchase or vacate it. Between these conditions there was scarcely a choice. Accommodations elsewhere could not be procured without much difficulty, and I should have felt great reluctance to place in insecure buildings the valuable records stored there, some of which, if destroyed by fire, could not be replaced at a cost less than the price of the building, while others could not be replaced at all. The purchase was therefore concluded upon the terms stated. I have submitted an estimate for repairs and improvements sufficient to put the building in proper condition. Much of the repairs now proposed would have been equally necessary had the government vacated the building, instead of purchasing, as the lease provided that the building should be restored in a good state of repair. The cost of the additional improvements will hardly exceed the amount of the rent that was released in the contract of purchase.

It is hardly necessary to remark that the purchase of this building in no degree obviates the necessity heretofore frequently presented, of replacing the building assigned for the use of this department with a fire-proof structure.

The accompanying reports of the Commanding General of the army and the chiefs of the several branches of the military service contain full and exact information in relation to the duties with which they are respectively charged. To these I refer for such details as could not be embraced in this report.

I have the honor to be, very respectfully, your obedient servant.

JEFFERSON DAVIS,

Secretary of War.

To the PRESIDENT of the United States.

IV.—THE NAVY.

REPORT OF THE SECRETARY OF THE NAVY.

NAVY DEPARTMENT,
December 4, 1854.

SIR: In the annual report from the Navy Department, which I now have the honor to present, I have taken the liberty, in addition to the usual statement of the operations of the squadrons and the general condition of the service, and the public property, to recommend a still further gradual increase of the navy, and to express frankly, my views of the great importance of its reorganization, and the enactment of new regulations for the discipline and improvement of seamen. If they are urged with seeming pertinacity, my only apology is, a deep interest in the magnitude of the subject, and a conviction of the necessity of legislative interposition.

Squadrons.—The vessels composing the home squadron are, the frigate *Columbia*, the flag-ship, Commander S. B. Wilson; the sloops-of-war *Albany*, Commander J. T. Gerry; *Falmouth*, Commander T. D. Shaw; and the steamers *Princeton*, Commander Henry Eagle; and *Fulton*, Lieutenant Commanding J. K. Mitchell. Commodore J. T. Newton still commands this squadron. The cruising of the vessels of the squadron has been principally among the West India Islands and along the coasts bordering on the Caribbean sea and the Gulf of Mexico.

The *Columbia* returned to Norfolk, in obedience to orders from the department, and on the 28th June sailed, under instructions to Commodore Newton, on special duty to St. Domingo. Having thoroughly surveyed the bay of Samana and ascertained its depth and character, and examined the localities in its vicinity with reference to fitness for a convenient depot for naval purposes, the *Columbia* returned to Pensacola, and is now under orders to proceed to San Juan de Nicaragua, conveying to that point Mr. Wheeler, United States Minister resident to Nicaragua, and Mr. Marlin, United States Minister resident to Guatemala. The *Princeton*, Commander Eagle, sailed from Norfolk on the 31st of October for Pensacola, and will proceed on her cruise as a part of the home squadron. The *Albany*, Com-

mander Gerry, in pursuance of the orders of the commander, has been actively cruising during the entire year, having visited, among other ports, those of Samana, Sisal, St. Thomas, Laguyra, Curacoea, Carthagenia, Aspinwall, San Juan, Port Royal, and St. Jago de Cuba. She has done good service, and Commander Gerry and his officers merit the approbation of the department, as I have reason to know that the appearance of our flag at those ports, and the bearing of the officers, contributed much to the encouragement and protection of our citizens engaged in commercial transactions in those regions.

The last official intelligence received from the Albany was on the 28th of September from Aspinwall, informing the department that on the ensuing day she would sail for New York. There is no doubt of her having put to sea at the time mentioned. Much time having elapsed and no tidings of her having been received, it is but natural that painful anxiety should be felt touching her fate. The prevalent opinion is, that she has sustained serious injuries from encountering storms recently prevalent in her course homeward, and that she has put into some port for repairs. With a view of obtaining information and affording relief, the steamer Princeton left Pensacola some days ago in search of the Albany. The department still entertains the opinion that she is safe.

The Fulton, which until the 24th of April was under the command of Lieutenant James M. Watson, was in useful service, and having visited many of the ports of the West Indies, returned to the United States. On the 17th May she left Norfolk under the command of Lieutenant Mitchell, conveying to the port of Vera Cruz the Hon. Mr. Gadsden, our minister to Mexico, and bearer of the treaty recently concluded between the United States and Mexico, where she remained until the treaty was ratified, and with it returned to the port of Washington, where she has since been necessarily detained, and is now ready for service.

The practicability of inter-oceanic communication by the construction of a ship canal across the isthmus of Darien, between Caledonia bay and the Caribbean sea and the Gulf of San Miguel, on the Pacific, has long been a subject of much speculation and controversy among men of science and learning. The magnitude of the work, and wonderful influence which its successful accomplishment might exert upon the commerce of the world, and more especially upon the intercourse between our Atlantic and Pacific possessions, induced the department, with your approbation, to accept the

services of an accomplished and enterprising officer of the navy, Lieutenant I. G. Strain, who volunteered to undertake the exploration. The Caribbean sea being embraced within the limits assigned as a cruising ground for the home squadron, the department concluded that the *Cyane*, Commander Hollins, might with great propriety, cruise in that region, take proper soundings at Caledonia bay, and at the same time, with but little additional expense, convey any party that might volunteer to engage in the arduous and interesting exploration. Passed Midshipman Truxton, First Assistant Engineer, J. M. Maury, Midshipman H. M. Garland, and a few civilians, and seamen from the crew of the *Cyane*, also volunteered to embark in the adventure. The permission of the New Grenadian government having been cheerfully given, the *Cyane* sailed from Philadelphia in December last, and arrived at Porto Escoces, on Caledonia bay, on the 17th of January. The party were landed, and proceeded to execute the special duty assigned. They succeeded in crossing the isthmus, and returning, after encountering sufferings and hardships, and exhibiting powers of endurance, a spirit of enterprize, and a generous devotion to duty, eminently creditable to them as officers, and honorable to them as men. A few of the seamen and civilians were unable to bear up under their trying exposure, and expired. The *Cyane* returned with the party to New York. I refer you, however, for a more particular recital of the details of the expedition, to the interesting report of Lieutenant Strain which accompanies this communication, from which you will perceive that he is very decidedly of opinion that the work is totally impracticable; and this, I apprehend, settles the question forever.

It is proper that I should remark that the officers of her Britannic Majesty's ship *Virago*, on the Pacific, were prompt and generous in extending timely relief to the suffering party, and that a proper appreciation of it has been officially communicated to her Britannic Majesty's government.

Intelligence having been received that the property of American citizens had been improperly detained by the people of San Juan de Nicaragua; that our minister to Central America, Hon. Mr. Borland, had been treated with rudeness and disrespect, and that the interests of our countrymen required the immediate presence of a man-of-war in that neighborhood, the *Cyane*, being the most available vessel for that purpose, in obedience to instructions from the department, put to sea again on the 19th of June.

On her arrival at San Juan, Commander Hollins, learning from Mr. Fabens, the United States commercial agent at that place, that the demand made by him, by order of the State Department, for a proper reparation of wrongs committed by them, had been treated with derision and contempt, after due deliberation, thought it expedient, through Mr. Fabens, to make a final demand upon the inhabitants for a satisfactory adjustment. As the result was entirely unsatisfactory, Commander Hollins gave notice on the 12th of July, by a proclamation posted in the most public places, that if the proposed terms of settlement were not complied with, he should at 9 A. M. of the 13th, proceed to bombard the town of San Juan, to the end that "the rights of our country and citizens may be vindicated, and as a guarantee for future protection." He had hoped that the show of a determination on his part would, at this stage of the proceedings, have brought about a satisfactory adjustment: such, however, was not the case.

His appeals for adjustment were disregarded. His proclamation was only read to be treated with contempt. His return to his country after all this, without inflicting some punishment upon these lawless and reckless people, he thought would be but a signal for a renewal of insults and outrages. Having tendered boats for the removal of property and persons to all who would avail themselves of them, he bombarded the place and destroyed most of their property without loss of life. I could not reprove this commander for his conduct. Humanity often lends her sympathies to the sufferer, however just the punishment, but patriotism rarely condemns the brave officer who administers that punishment from a sense of justice to his countrymen whose property is destroyed and whose national flag is insulted. We may well regret the stern necessity which constrained him, but it should be remembered that Commander Hollins had been compelled but a year before to interfere and stop these same people in their progress of destruction of American property; that he had, besides, seen the report of our minister, speaking of them as "being persons, almost without exception, of notoriously bad character—some of them discharged penitentiary convicts and refugees from justice, habitually manifesting evil dispositions towards our citizens, and indulging those dispositions to the injury of persons and property whenever they are not restrained by force," and that he was "unable to regard them in any other light than as pirates and outlaws; that he knew that this ungoverned populace had for a season restrained an

American minister's personal liberty and rudely assailed him; that they had retained and refused to surrender the stolen property of some of our countrymen; that they contemptuously turned a deaf ear to his appeals for adjustment, and that his alternative was to inflict punishment or return to his country, with a well-armed national vessel, and report that he had demanded satisfaction, and, upon being treated with contempt, had felt it his duty to come home.

Rash impetuosity on the part of those who hold in their hands, to some extent, the elements of war, cannot be too strongly discountenanced. No officer should dare trifle with them. But I think that an acquaintance with all the facts and calm reflection will relieve our own people (who are justly sensitive of national honor) from any fear that a wrong has been perpetrated, and a reference to history may well silence the criticism of others.

The *Cyane* requiring extensive repairs, and owing to the condition of the crew from the unhealthiness of that climate and their previous exposure in the bay of Caledonia, her return to the United States became necessary. After receiving on board the archives of the commercial agency and Mr. Fabens and his effects, Commander Hollins proceeded to Boston, and the vessel on the 1st of September was put out of commission for the purpose of repairs, which are now completed.

The *Falmouth*, Commander Shaw, has been very recently put in commission, and will proceed to sea in a few days.

The Brazil squadron, Commodore W. D. Salter, has attached to it the flag-ship *Savannah*, Commander Samuel Mercer; the sloop-of-war *Germantown*, Commander W. F. Lynch; the brig *Bainbridge*, Lieutenant Commanding C. G. Hunter; and the store-ship *Relief*, Lieutenant Commanding S. C. Rowan. The store-ship *Relief* returned to New York on the 29th of July for fresh supplies, and having taken in her cargo, sailed for Rio on the 24th of September.

The sloop-of-war *Jamestown*, which at my last report formed one of this squadron, having completed her cruise, returned to the United States, and arrived at Philadelphia on the 2d of May.

The steamer *Water Witch*, Lieut. Commanding T. J. Page, is still actively engaged in the surveys of the rivers Uruguay and Parana.

This squadron is efficiently engaged in taking care of the interests of our country in that region, with which our commercial transactions are rapidly growing.

The African squadron, Commodore Isaac Mayo, consists of his flag-ship, the frigate *Constitution*, Commander J. Rudd;

the sloops-of-war Marion, Commander H. Y. Purviance; and Dale, Commander Wm. C. Whittle. The brig Perry, Lieut. R. L. Page, after having been on the station two years, arrived at Norfolk on the 15th of July. The Constitution and the Marion will be relieved early in the ensuing year, at which time they will have been two years on that station.

The vessels of this squadron have been actively, and in many instances successfully, engaged in checking the slave trade, and some of them have been regularly cruising on the coasts most frequented by slavers. The officers in command have also had it in their power to render assistance to merchant vessels in distress, and to our growing commerce, exposed to many dangers on the African coast.

The Mediterranean squadron, Commodore S. H. Stringham, consists of his flag-ship, the frigate Cumberland, Commander A. A. Harwood; the steam-frigate Saranac, Captain J. C. Long; the sloops-of-war St. Louis, Commander D. N. Ingraham, and Levant, Commander C. C. Turner. The Cumberland will be relieved early in the spring, and authority has been given for the return of the Levant and St. Louis early in the ensuing year.

This squadron, during the past year, has visited many of the ports of Italy, Sicily, the Archipelago, and Greece, and also the coasts of Spain and Barbary; and has kept a watchful eye over American interests in the Mediterranean.

The Saranac, under instructions from the department, conveyed Mr. Chandler, the United States consul-general to Tunis, from Marseilles to Tunis, where he was landed on the 13th of July with the usual honors.

The East India squadron consists of the sloop-of-war Macedonian, Captain Joel Abbot, the senior officer on the station; the steam-frigate Powhatan, Captain W. J. McCluney; and the sloop-of-war Vandalia, Commander John Pope. The steam-frigates Mississippi and Susquehanna, the sloop-of-war Plymouth, and the store-ships Southampton, Supply, and Lexington, are now on their way home—the steamers returning by the way of San Francisco. Commodore M. C. Perry, recently commanding this squadron, is, by permission of the department, returning to the United States by the way of England.

The vessels of the squadron, owing to the civil war existing in China, have had frequent calls made upon them for the protection of American citizens and property, and have been of great service to our countrymen in that remote region.

Commodore Perry, with the steam-frigate Powhatan as his

flag-ship, Captain W. J. McCluney; the sloop-of-war *Macedonian*, Captain J. Abbot; the steam-frigates *Susquehanna*, Commander F. Buchanan, and *Mississippi*, Commander S. S. Lee; the sloop-of-war *Vandalia*, Commander John Pope; and the store-ships *Southampton*, Lieutenant Commanding J. J. Boyle, and *Lexington*, Lieutenant Commanding J. J. Glas-son, arrived at Yedo bay, Japan, on the 13th of February, for the purpose of fulfilling the plans of which he had notified them the year before, and of endeavoring to establish commercial relations between Japan and the United States. By indomitable perseverance and remarkable management, he succeeded finally in overcoming the obstinacy and prejudices of the Japanese government, and induced it to enter into a treaty of amity and peace, by which two of its ports, Hakodade and Simoda, were opened to vessels, and shipwrecked mariners of American vessels are guarantied to have ample protection and kind treatment on whatever part of the coasts they may be cast. The above-mentioned ports were fully surveyed by our vessels, and are represented to be very convenient and commodious. Presents were also exchanged between the Japanese government and the United States.

The treaty having been concluded, it was intrusted to Commander H. A. Adams, who was directed to proceed in the *Saratoga*, Commander W. S. Walker, to San Francisco, and thence to Washington. On the arrival of the *Saratoga* at the Sandwich Islands, a more speedy conveyance offering, Commander Adams left her and reached Washington with the treaty on the 10th of July. Commodore Perry and those who accompanied him in his novel and perilous undertaking deserve well of their country. A new era seems, through their instrumentality, to be dawning upon the commerce of the world. It is difficult to calculate the wonderful results which present and future generations may experience from this promised gradual dropping off of the cruel fetters with which ignorance has so long embarrassed commerce, and this hopeful prospect of the spread of civilization and liberty and good government, so cheering to the Christian statesman.

The *Saratoga* proceeded on her way to the United States, and arrived at Boston September 1, having been absent from the country for four years. I have expressed to Commander Walker and his officers, as also to the crew, my just appreciation of their good conduct, notwithstanding the expiration of their terms of enlistment.

I regret to state that, whilst the *Plymouth* was engaged in surveying the Bonin islands, Lieutenant John Matthews,

with thirteen of the crew, when in a boat, encountered a severe typhoon, and were all lost. Lieutenant Matthews, had a high reputation in the navy as an officer, and the men are represented to have been among the best of the crew.

The vessels of the expedition for the survey and reconnaissance of Behring's straits, the North Pacific ocean, and China seas, after leaving Simon's bay, Cape of Good Hope, proceeded to Hong Kong, China; the sloop-of-war Vincennes, Commander C. Ringgold, and the brig Porpoise, Lieutenant Commanding A. B. Davis, by the way of Van Dieman's Land, through the Coral seas, passing the Caroline and Ladrones and Bashee islands, arriving at Hong Kong on the 17th of March; the steamer John Hancock, Lieutenant Commanding John Rodgers, the store-ship John P. Kennedy, Lieutenant Commanding N. Collins, and the tender Fennimore Cooper, Lieutenant Commanding H. K. Stevens, by the way of the Straits of Sunda and Gaspar, the Carimata and Billeton passages, and the Sooloo sea. Their arrival at Hong Kong is reported by Commander Ringgold early in June.

During the absence of Commodore Perry, with the greater part of the East India squadron, at Japan, the civil war raging in China, and particularly in the vicinity of Canton, so alarmed American citizens holding immense property in that region, that Commander Ringgold considered it proper to suspend temporarily the special duties to which he was assigned, and render protection to his exposed countrymen; and has thus failed to accomplish a large portion of the surveys that had been planned for the present year. In addition to these embarrassments, Commodore Perry informs the department, under date of August 9, that, on his arrival at Hong Kong, he found the expedition laboring under serious disadvantages, owing to the unfortunate affliction of Commander Ringgold, which has rendered it necessary, in the opinion of the medical officers, that he should return to the United States. Commodore Perry having placed in charge of the expedition an experienced officer, Lieutenant John Rodgers, the next in rank, and the plan of operations marked out by him being considered judicious, the department has directed him to proceed with all despatch to its execution.

The Pacific squadron, Commodore B. Dulany, consists of the flag-ship *St. Lawrence*, Commander W. W. Hunter, the sloop-of-war *Portsmouth*, Commander T. A. Dornin, and *St. Mary's*, Commander T. Bailey. The frigate *Independence*, Captain J. Tatnall, bearing the broad pennant of Commodore W. Mervine, sailed from New York on the 9th of October, for the Pacific. Upon her arrival out, Commodore Mervine will

take command, and Commodore Dulany will return to the United States in the *St. Lawrence*. The sloop-of-war *Decatur*, Commander I. S. Sterrett, and the steamer *Massachusetts*, Lieutenant Commanding R. W. Meade, sailed from Norfolk, respectively, the 16th of June and 5th of July, to join this squadron. By last advices, they had reached and left Rio, on their way out; but the *Massachusetts*, after a day's sail, encountered and suffered seriously from a violent storm, and returned to Rio for repairs.

In addition to the above-enumerated vessels, there are on the Pacific coast the stationary store-ships *Fredonia*, Lieutenant J. D. Johnston, at Valparaiso, and *Warren*, Lieutenant D. McDougal, at the navy-yard at Mare island, California.

The *St. Lawrence* has been cruising most of the year between the ports of Payta and Callao, in Peru, and Valparaiso, in Chili. The *Portsmouth* returned from the Sandwich islands to San Francisco on the 14th of January. The government having received sufficient intelligence to impress it with the apprehension that an unlawful expedition had left, or was about leaving, San Francisco, for the purpose of taking possession of territory belonging to Mexico, instructions were sent Commander Dornin to render prompt and efficient aid in assisting to arrest and suppress any such unlawful expedition as might be set on foot within the jurisdiction of the United States, and to exercise all lawful means of preventing the violation of law and infraction of treaty stipulations. To assist him in this, he was, with your approbation, authorized, if necessary, to charter a steamer for a short time, on reasonable terms. Commander Dornin considered it necessary, and for this purpose he chartered, at San Francisco, the steamer *Columbus*, belonging to the Pacific Mail Steamship Company. With this steamer and the *Portsmouth* he proceeded along the coast; and having evinced a determination to execute his orders, and unite with the civil authorities in promptly arresting and suppressing all unlawful expeditions, he unquestionably contributed largely to their early termination, and thus to the maintenance of friendly relations with a neighboring power. Some of the leaders were arrested, and many of the sick and wounded availed themselves of the offer of Commander Dornin to return them to their homes.

After he had terminated successfully his efforts in regard to the unlawful expedition against Mexico, he received intelligence that about twenty American citizens were imprisoned in close confinement at Mazatlan. Having inves-

tigated the matter, and concluding that their confinement was improper, he interfered, and demanded their release. They were soon discharged, by order of the government of Mexico, and, at the instance of Commander Dornin, were conveyed, in the revenue cutter "W. L. Marcy," to San Francisco at their own request. The Portsmouth did good service at Acapulco, in relieving American steamers from the embarrassment of a blockade of that port. When last heard from she was at the Sandwich islands, and is now probably on her way to the United States, under the order of the department.

The *St. Mary's*, which left the United States on the 15th of October, 1853, joined the squadron at Valparaiso on the 20th of January. Complaints having been made of abusive conduct towards our ship-masters whose business carried them to the Chincha islands, the *St. Mary's* was sent there in April. Commander Bailey found in port about one hundred and sixteen sail of vessels, two-thirds of which were American. The presence of the *St. Mary's* had a very beneficial effect, and the masters of the large fleet of merchantmen, both English and American, expressed themselves highly gratified at the prompt and energetic action taken by Commander Bailey in regard to their complaints and grievances. Whilst there he had an opportunity to return the protection which was afforded last year by Admiral Moseby, of the English navy, to many of our countrymen, by affording assistance and protection to Captain McClenan, master of the English ship *Kildare*, which assistance and protection had been refused by the Peruvian governor of the islands. The *St. Mary's*, after cruising on the coast south of Panama, and showing our flag at Iquique, Arica, and various other ports, was, on the 29th of August, (the last advices from her,) at the Sandwich islands, whither she had been sent by Commodore Dulany, under instructions from the department.

The steamer *Michigan*, Commander J. S. Nicholas, is still in commission on our northern lakes, and, during the last season, engaged in her usual cruising.

The steam-frigate *San Jacinto*, Captain Stribling, having received on board the new machinery recently constructed for her, put to sea on the 9th of August for a six months' cruise, with a view especially to testing the capacity of the machinery, in pursuance of the terms of the contract. When last heard from she was at Southampton, and having undergone very slight repairs, was about proceeding on her cruise.

In addition to the employment of the vessels, officers, and men afloat, as thus recited, many of the officers and men of the navy are assigned to duty on the coast survey.

Increase of the Navy.—Although Congress, at its last session, promptly responded to the recommendation for the construction of six new steam-frigates, and for completing and launching the frigates Santee and Sabine, I am very far from entertaining the opinion that the enlargement of the navy should stop here. The protection of our wide-spread commerce, the guarding of our extended coast, the preservation of our rank as a nation, demand that we should not be entirely stationary, and with inactive indifference behold the progress of other powers in naval strength. And it is hardly unwise to glance at the various national naval registers and compare the size of our navy, *not merely with that of the mighty nations with whom we claim equal rank, but with that of other nations whom we esteem to be far, far behind us in the race of national greatness. Even with the addition of the unfinished six steam-frigates, our naval force will not exceed fifty vessels in condition for service.* Weakness invites aggression, and never inspires respect; while acknowledged strength and visible preparation command consideration, and are the true safeguards of peace. And although our mission is peace, and no warlike messengers of propagandism are to be sent forth to force republican liberty upon reluctant victims of misgovernment, it may be well to remember that, in addition to the ordinary uncertainty which ever hangs around questions of peace and war in the distant future, we have to encounter illy-disguised jealousy of our peculiar institutions from those who cling with tenacity to the old system of government. Hear the language of one of your predecessors in a message to Congress more than a quarter of a century ago: “Unprovoked injuries are often inflicted, and even the peculiar felicity of our situation might with some be a cause for excitement and aggression. The history of the late wars in Europe furnishes a complete demonstration that no system of conduct, however correct in principle, can protect neutral powers from injury from any party; that a defenceless position and a distinguished love of peace are the surest invitations to war; and that there is no way to avoid it other than by being always prepared and willing, for a just cause, to meet it. If there be a people on earth whose more especial duty it is to be at all times prepared to defend the rights with which they are blessed, and to surpass all others in sustaining the necessary burdens and in submitting to sacrifices to make such preparations, it is undoubtedly the

people of these States." The well-armed and well manned ships of our navy may be truly regarded as so many ocean sentinels stationed along the main to challenge at once any who might dare to seek an assault upon institutions sacred to us, but inconvenient to them. 'Tis true, we are at peace with the world; and so but a few months ago were the nations of Europe, and, under the benign influence of Christianity and civilization, seemed hopeful of a quiet future, with no rivalry but in arts, science, and national development. The scene is suddenly changed. War, with all its bloody calamities, is convulsing those mighty nations, and no prophetic statesman can foretell its extent or its termination. But who are interested in the navy? It is not merely the citizen whose lot is cast along the coast, the wealthy merchant in our cities, the speculator in floating merchandize, but merchants, mechanics, planters, our countrymen all along the coast, up our rivers, beyond the mountains. The agricultural interest is as much benefited and protected by the navy as any other. Every planter in every section is not more truly protected by the enclosure around his farm than by our "wooden walls" which float around our coast. The States which border on the Mississippi transport on its bosom their cotton, and grain, and sugar, and vast varieties of products, which are borne into the Gulf of Mexico. With no navy sufficient to protect it in that region, who can appreciate the inconvenience and embarrassment which our planting interest will experience in war? But the great cost is often suggested. That should always be vigilantly watched by the prudent statesman; who, should, however, remember that every dollar is expended among our own people in the purchase of material and payment of laborers, and that it brings into exercise the mechanical skill of our country, promotes, and thereby perpetuates, a class in our midst essential to our national independence. He who visits our navy yards, and lingers a moment in beholding the giant frames of the noble ships now being constructed by the genius, the labor, and with the material of our own country, will find that the money expended not merely results in presenting a floating battery to protect our property and our flag, but gladdens the hearts of hundreds of cheerful artisans, who pay it back into the treasury with fourfold interest. It is not wasted capital; it is not like the millions annually sent abroad to foreign capitalists to pay the debts contracted for schemes of extravagance, leaving embarrassment in its trail. *I do not propose to increase the number of officers, nor materially to enlarge the squadrons, and thereby increase*

largely our current expenses, nor to have a navy of the immense size and expense of some of the powers of Europe. But I *do* propose so to increase the material of our navy as *at least to approximate to a state of readiness for emergencies* which wise statesmen strive to avoid, but wiser statesmen prepare to meet. It will be my pleasure to co-operate with the legislative department of government in practically carrying out these views.

For a detailed statement of the actual condition of our naval force, I beg to refer you to the full report of the chief of the Bureau of Construction, Equipment, and Repair.

In the exercise of the discretion imposed upon me by the act of Congress directing the construction of six steam frigates, I decided after mature consideration and inquiry, to have them built in the navy-yards, under the more immediate supervision of the department. The Government had a fair supply of material, particularly of live oak, well seasoned; had erected ship-houses, in which the vessels, while being built, could be protected from exposure, and the mechanics employed could be sheltered comfortably, and able to prosecute the work in the most inclement weather.

On examination, I discovered that there was neither material, building-slip, nor ship-house at Pensacola, and that the Franklin was being rebuilt, and the Santee altered and completed, at Kittery. I therefore ordered that immediate preparation be made for constructing the new frigates at the navy-yards in Boston, Brooklyn, Philadelphia, Washington, and Norfolk. There is no difficulty in securing the services of as many skilful mechanics and laborers as are desired. The public officers at the several yards have all manifested a deep interest in despatching the work with success. Much progress has been made, and I have no doubt six first-class steamers, equal to the expectation of the country, will be completed as speedily as men and means can accomplish the work. Not having facilities for manufacturing the steam machinery necessary, except at the Washington navy-yard, I had no alternative but to make contracts with private establishments for five of the frigates. These contracts have been made with builders of established reputation, and the contractors are busily engaged in fulfilling them. The plan adopted was to invite proposals, so as to call forth the best skill of the country, and, before adopting them, submit them for my guidance to a board of engineers. Bonds with approved sureties have been taken for the faithful execution of the work, and two-fifths of the contract price is to be retained until the machinery has worked successfully and satisfacto-

rily at sea for six months. Before adopting any of the plans proposed, I thought proper, in consideration of the greater experience of England and France in the application of steam machinery to men-of-war, to order the Engineer-in-chief, Martin, to visit, Europe with a view to availing himself of any improvements which may have been made. The observations made during his visit, and the interesting reports of Lieutenant Walker, who had been similarly engaged, will prove useful to the service. The Santee and Sabine frigates will be completed and ready for being launched in a few weeks. The Franklin is progressing rapidly, and it is confidently expected that the six steam frigates will be launched certainly by the ensuing fall, if not earlier.

Reorganization of the Navy.—In my last annual report I ventured to express the opinion “that the present organization of the navy is not only essentially defective and unwise, but is, in its practical operation, working palpable and serious mischief to the efficiency and character of that branch of the public service,” and “that *a retired list on reduced pay for the faithful who have become infirm; the discharge of the inefficient who have no claim on the bounty of their government for services rendered; promotion regulated by capacity, merit, and not by mere seniority of commission; and pay to some extent controlled by sea-service, are reforms not only demanded by the condition of the service, by considerations of justice, but absolutely necessary to the preservation of efficiency and usefulness.*” Efforts were made, during the last session, to accomplish many of the desired reforms. No final action was taken. Subsequent reflection and experience of nearly two years’ connexion with the navy, an extended acquaintance with the officers, and an attentive observation of the practical working of the present system, have not only confirmed me in the correctness of those views, but constrain me, at the hazard of the charge of pertinacity, to renew most earnestly my previous recommendations, and to urge their consideration and adoption with deep solicitude. So far as I have the authority at present, these views shall guide my action. I cannot recommend for promotion to higher rank and larger pay officers who do not merit it from incapacity, either moral or physical. I do not appreciate the justice or policy of promoting to a higher grade an officer who cannot perform its duties, unless in rare exceptional cases, as a complimentary reward for services rendered. It is neither more nor less than elevating the incompetent, and then ordering the unpromoted competent to do *their* work! Is there an alarm of fastening upon the government an odious pension system?

None can cherish a greater repugnance to that than myself; but none can be more fully convinced that it can be so well surrounded with safeguards, restrictions, and limitations, as to retain its virtues and reject its faults.

Is the particular plan of having the aid of a board of officers in ascertaining the incompetent and unworthy objected to? I am not wedded to that or any other scheme, provided the main object can be attained. I should be content to have the Secretary from time to time officially report to the President such names as he wishes should be retired or dropped; that the President should transmit, if he thinks proper, their names to the Senate, with a recommendation suited to each case. Thus the President and the Senate, the appointing power, will be the removing power, and the apprehension of Star Chamber persecution and being victimized by secret inquisition, now felt by some worthy officers, would be quieted. But I forbear to fatigue with details. The magic touch of reform is needed, and if skilfully applied will impart to the now drooping body of our navy a robust health and a new life. I believe that sound policy, stern justice, *demand* it; that *true* economy is *not opposed* to it. I shall be happy to co-operate with Congress in effecting it.

I have no hesitation in saying that there are many officers now in the navy whose names do not adorn the register. There are those incapable of performing duty from age or affliction. There are also many good officers resigning from time to time, because the path of promotion is "blocked up" by the incompetent, and the future seems to them so unpromising. But it is my pleasure, as well as my duty, to say that the corps is still full of chivalrous and gallant officers, who are not only ready for the post of danger, but would sustain the proud reputation of our navy, which has won so many laurels for our country, and by its brilliant victories cheered the heart of many a desponding patriot.

I will not, however, enlarge this report by repeating the views or reciting the various amendments and modifications of existing laws suggested in my last annual report, but content myself with renewing the recommendation.

Discipline of Seamen and the Enlistment of Boys as Apprentices.—While the just and liberal action of Congress during the last session, authorizing an increase of pay of seamen corresponding to the compensation in the merchant service, has done much to encourage enlistments, and was received with grateful joy by many a veteran tar, much remains yet to be accomplished to give proper shape, vigor, character, and success to the system of discipline in this important—

indeed vital—part of the public service. Language cannot describe, the mind can scarcely grasp, how much of happiness and wretchedness hang around the fidelity, the discipline, of the neglected sailor. Property, life, victory, defeat, national honor and renown, have much to do with the character and cheerful obedience and home-love of seamen.

I am very far from recommending the restoration of punishment by flogging. In my opinion, the *experience* of the navy, at least, justifies its abrogation. The sloop-of-war *Saratoga*, Commander Walker, constituted a part of the squadron to Japan, left the United States in September, 1850, and returned in the same month of the present year, after cruising for four years beneath tropical suns and amid uncongenial people, thousands of miles from home. The term of the crew's enlistment expired while they were far in the east. They were informed while abroad that punishment by flogging was abolished. I allude to this case especially, as I think the test was a severe one. Yet, on their arrival at Boston, the most flattering reports reach me of the good conduct and discipline of the crew. I deemed it proper, also, to address an inquiry on the subject to Commander Walker. He responds thus: "In regard to the first question, whether it is desirable to restore corporeal punishment, I reply that, from experience as well as conviction, I do not believe it would be desirable, or for the interest of the service." And yet he and every officer concur in the necessity of prescribing and legalizing some substitute, accompanied, however, with a plan of *reward* as well as *punishment*; punishment prompt, *severe*, in order to restrain the offender and deter the inconsiderate; *reward* equally sure and generous, to encourage fidelity and promote respectability. It is not the *severity*, but the *certainly* and *promptness* of punishment, which promotes discipline. The sailor who now commits an offence aboard ship remote from home and the flag-ship, knows that he cannot be *tried*, possibly for months, until the vessel arrives in port or falls in with the commodore of the squadron.

I consider it all-important that the commander of any vessel should be authorized by law to order a summary court-martial for the trial of the petty officers and those below them; that they should have the power to punish by dishonorable discharge in *any* port; by confinement on reduced rations and without pay, with extra labor and denial of shore privilege. When the seaman knows that these punishments can be promptly inflicted by the officers in command of the ship, he has much to deter him from disobedience.

But, in order successfully to invite diligent and enterprising men, they must know that their integrity will be commended, and their faithfulness remembered. An honorable discharge, leave-of-absence pay, shore privilege, and the confidence of the officers, will animate and encourage them. I hope I may be excused for repeating that "I deem it indispensable that some plan be adopted by which our seamen shall become more *distinctly and permanently a part of the navy, and attached to the service*. Whenever a ship-of-war now returns from her three years' cruise, the officers are detached, and granted a leave of absence for three months, with leave-of-absence pay, but the seamen are peremptorily *discharged—disconnected from the service*. If they have been meritorious, I propose that on their return they be granted an 'honorable discharge,' (to be considered a leave of absence on pay,) if within a certain time they choose to re-enlist in the service. This would possess a two-fold virtue of fair and generous treatment at parting, an invitation to continue a member of a family caring for them during a temporary absence."

I wish to raise the standard of character among seamen. It is my design, also, immediately to adopt, in a modified form, the "Apprentice System," and encourage the enlistment of American boys from fourteen until they are twenty-one years of age. The object in view will be to train them up at first on our large receiving ships, and transfer a certain number to each vessel starting on a cruise, to make them practical seamen, to teach them in their youth to become familiar with all the duties of a sailor, the requirements of the service, the sacredness of obedience to orders; to watch over their proper moral and mental training, and thus incorporate into the service gradually, but surely, a body of seamen to be proud of in times of peace, to be relied upon in times of danger. I am also very clearly of opinion that the number of men in the service should be increased at least twenty-five hundred.

Marine Corps.—The marine corps constitutes a most interesting, important, and useful portion of the naval force. Their service is equally effective on land and on sea. They are an armed and disciplined police on ship-board. Well trained and drilled before being detailed for duty at sea, aware of the fact that they are set apart to sustain the officers in command in the preservation of order and the suppression of mutiny, the first symptom of insubordination finds them ready, with strong hand and burnished arms, at the drum-tap, to put down disorder or disobedience.

Recent occurrences at sea, painfully fresh in the recollection of all, impress the mind most vividly of the practical value of such a body of men on ship-board in moments of peril and alarm, when mere panic and disorder are so often unnecessarily fruitful of desolation and death. But on land also their services have ever been found efficient, either in the navy yards or on shore far from their country. This corps accompany our men-of-war in all their cruises in times of peace and war, and have signalized their valor in many a field.

Their number now is entirely too small, and I earnestly recommend an increase, by which more time would be allowed for their proper discipline and drilling before they are ordered to sea, and their efficiency rendered still more reliable. I am satisfied also that the corps could be improved and elevated in character by adopting some system of appointing officers of military education and training.

Yards and Docks.—We have now eight navy-yards, inclusive of the one now in rapid progress of construction at Mare Island, California. To keep these yards in proper condition for useful service, and to erect on them the necessary buildings and fixtures, occasion the expenditure, annually, of large sums of money, notwithstanding the diligence and vigilance of the chief of that bureau. Large appropriations will be from time to time required for the yard in California, which it is presumed, will be a complete establishment, as it is the only one on the Pacific. The prices of labor and material and the necessaries of life in California are still far higher than on the Atlantic coast.

My immediate predecessor, (Hon. John P. Kennedy,) in his last annual report, recommended the construction of a basin and railway, in connexion with the floating sectional dock in California, thus: "No appropriation was made for the basin and railway, without which the dock cannot be safely or usefully employed. I submit it to the decision of Congress whether these structures should not be made without delay."

Congress subsequently, in the naval appropriation bill, approved March 3, 1853, adopted the following section:

"And the Secretary of the Navy is hereby directed to complete and carry into execution the verbal contract for a basin and railway in California, in connexion with the floating dock, as made by the late Secretary, in pursuance of authority for that purpose, given by the act of September the twenty-eighth, one thousand eight hundred and fifty, entitled 'An act making appropriations for the naval ser-

vice for the year ending the thirtieth of June, one thousand eight hundred and fifty-one,' and as stated in the letter of the said late Secretary addressed to the honorable Howell Cobb, Speaker of the House of Representatives, and dated the twenty-first day of January, one thousand eight hundred and fifty-one, towards the execution of which one hundred and fifty thousand dollars is hereby appropriated: *Provided*, That, in the judgment of the Secretary, such basin and railway are necessary, and will be useful to the public service."

In my last annual report, I informed you that I had given the subject much investigation; that my predilections were decidedly in favor of stone docks; that Congress, however had decided that a sectional floating dock is preferable in California; that I entertained the opinion, that a basin is necessary to render it safe when a large ship is docked for repairs, which may expose it to months of dangerous weather, and that I should proceed to execute the contract unless Congress should otherwise direct.

The difficulties about the title to Mare island were not removed until July last. Previous to making the contract, the opinion of the Attorney General was asked as to the proper construction of the law, and he advised that it was mandatory in its terms as to the amount to be paid, and the execution of the contract, if the basin and railway were decided to be necessary and useful to the public service. He uses the following language: "Thus far the terms of the act are, in my opinion, positively mandatory, and it only remains to discuss the proviso to the clause, which is: '*Provided*, That in the judgment of the Secretary, such basin and railway are necessary, and will be useful to the public service.' * * *

In all machines, great or small, parts are found which are *necessary* to the action, or to the safety, or to the permanent value, of the machine. That is a *mechanical* question, to be settled by the Secretary, by the aid of experts and of engineers." I deemed it my duty to procure the opinion and advice of experts, engineers, and practical men, some of whose opinions, heretofore verbally given, I have caused to be reduced to writing. I refer to Mr. Lenthall, naval constructor and chief of the Bureau of Construction, Equipment, and Repair, and the civil engineer, Mr. Sanger, attached to the Bureau of Yards and Docks. I am not acquainted with any two gentlemen more distinguished in their respective professions, and more entitled to the confidence and respect of the department. It is proper that I should state, also, that these two gentlemen have always

been adverse to the construction of these floating docks; but on the question of the necessity and usefulness to the public service of the *basin and railway in connexion* with the sectional dock, they have expressed themselves with clearness and force, and presented arguments and facts which, in my judgment, were convincing.

Mr. Lenthall in answer to my inquiry, expresses himself thus: "In compliance with your request that I should communicate my opinion in writing, which on several occasions has been verbally given, as to whether the basin and railway are desirable or necessary, in connexion with the sectional or floating dock, I would respectfully state that, without such an appendage, I would consider this floating dock, in a great measure, unsuitable for naval purposes. As a ship-builder, I could not recommend the execution of very extensive repairs, which are often necessary to ships of war, upon the uncertain foundation such a dock would present, and therefore I consider the basin necessary for its full efficiency. The danger to which such a floating structure would be exposed with a heavy ship upon it, probably for months, in my opinion renders this basin very desirable."

The following extracts are taken from the opinion of Mr. Sanger:

"In answer to the first inquiry, I have to say that in my opinion, the only feature in these works which commends them to the favorable consideration as suitable structures for naval purposes in making extensive repairs upon heavy vessels-of-war, is the connexion of the dock, basin and railway, so that when a vessel is put upon the dock for extensive repairs, and to remain a length of time, the whole structure can be floated into the basin and firmly grounded; the ship may then be taken on shore by the railway, or remain on the dock, and would, in either case, rest as safely as if on a building-slip, and would be shored and secured in the same manner. I am therefore of opinion that Congress having ordered the construction of a sectional floating dock in California, the addition of a basin and railway to operate in connexion with that dock at Mare island becomes both necessary and useful.

* * * *

"These floating docks often answer a good purpose for making slight repairs, such as repairing copper, cleaning bottoms, or renewing copper, where the work to be performed requires but little time, and the ship is not weakened, but always in such condition that she could be let into the water at any moment without damages, should necessity require it; but for extensive repairs, where the planking is

removed and the upper works are cut to pieces, as is frequently the case, I should consider their use as very hazardous and unsafe; and I do not think they are ever used, or should be used, for such extensive repairs, unless in connexion with a basin. * * * *

"I do not think that piers could be constructed in such manner as to render a heavy ship-of-war upon the dock safe, when reduced to the conditions she must necessarily be placed in to receive extensive and thorough repairs occupying months, nor do I believe that any prudent naval constructor would risk a national ship in such condition for a length of time upon any floating structure."

I deemed it also my duty to visit the navy-yard at Philadelphia and witness personally the operation of that dock, similar to the one in California. Notwithstanding the inconvenience and expense of dredging necessary at Philadelphia, national vessels entering that port have been regularly repaired on the dock and in the basin with entire success since its completion. During my administration of this department this dock and basin have been successfully used for repairing the steamers San Jacinto and Fulton, and the sloops-of-war St. Mary's, Cyane, and Jamestown. The San Jacinto was also hauled ashore on the railway, where she underwent several months' repairing, leaving the dock in the meantime ready for any ship that might arrive. I am not to be understood as advocating or recommending government to adopt this system in preference to stone docks. But while I am decidedly of opinion that this plan of dock is *inferior* to the *stone dock* in point of durability, safety, and because of the expense of repairing, and its requirement of a depth of water involving often the cost of dredging, I am also clearly of opinion that for naval purposes the *basin* and *railway* impart to its chief value, and that without the former it would be unsafe.

Congress having *previously* chosen to construct the sectional dock on the coast of California, the only one on the Pacific coast; able and scientific officers having expressed the opinion and assigned reasons in favor of the necessity and usefulness of the basin and railway in connexion with this dock; and being aware that the growth of our commerce, and the enlargement of our squadron in the Pacific, demanded the service of the dock, I deemed it my duty "to complete and carry into execution the contract" as described in the law, for the construction of the basin and railway, to render it secure and useful for the "public service." For slight repairs these docks are used without the basin, and by

authority of Congress the contractors have built temporary piers, and are using this dock in California for such purposes. But I could not consent (except from necessity) to hazarding a national vessel on a floating structure like this for extensive repairs, with her planks off, in a weakened condition, to be exposed months to uncertain weather. The loss of one ship would equal the cost of the basin and railway, great as it is, and blame might then well attach to the Secretary who refused to protect it with a basin and railway, although Congress authorized him, and experts advised him of the hazard.

I am thus particular on this subject because of the amount involved. The dock is completed, and will soon be thoroughly tested. The contractors are actively engaged in building the basin and railway.

I informed you in my last report of the difficulties which had occurred in regard to the dock, basin, and railway at Pensacola. This is a balance, not a sectional, dock. When I came into the department I found that the contractors had already been paid up for these works the entire amount agreed upon, as well as the reserved ten per cent., and that a bond in the sum of two hundred thousand dollars had been taken from them for the protection of the Government. The records indicate that this was done upon the certificates filed of the completion of the work, and the opinion of the Attorney General of the obligation of the Government, and *not* the contractors, to procure by proper dredging the depth of water necessary for the operation of the dock. A board had also been appointed, and the frigate *Columbia* selected to test the works, in order that the department might decide whether or not the stipulations entered into had been fulfilled. The report of the board was unfavorable, and I declined accepting the works. The contractors insisted that injustice had been done them in the mode of making the test, declined attempting to float the *Columbia* into the basin with her armament on board, protested in writing against having the works rejected upon this test, and asked that another might be applied after they should make certain proposed improvements and repairs. It has not been convenient for the department to spare any national vessel for a second test, and I entertained the opinion that after the Government had been to the expense and inconvenience of furnishing one vessel, it became incumbent upon the contractors to demonstrate by a fair and reasonable test, at their own expense, that the works were in truth

worthy of acceptance, and that they had executed what they had undertaken.

Mr. Hartt, junior naval constructor, who, until recently, was stationed at Pensacola, and was one of the committee reporting adversely, informed me, in an official communication dated March 7, 1854, "that from the external appearance of these repairs, &c., I [he] am of the opinion that the dock and basin is in a safe and better condition to perform the test than it was in May last; the basin required nothing to be done to it, everything being in good order;" and after enumerating the alterations and repairs, says: "I consider the repairs and alterations enumerated above of great advantage, as regards the safety and efficiency of the dock." Still I declined receiving the works. The contractors proposed several different vessels with which to make the test, but I declined, because I did not consider either of them of sufficient weight and displacement to enable me to judge of the capacity of the dock. Having then informed them that I should deem it my duty to turn the case over to the courts of law, they finally proposed another test, which I referred to the consideration of a board consisting of Commodores Morris and McCauley, Constructor Lenthall and Civil Engineer Sanger. That board gave the whole case a thorough investigation, and, after consideration advised the department that it was proposed to take ballast in the large merchant ship "The Monarch of the Seas," until her weight or displacement was 2,500 tons, and then place ballast on the dock until a weight of 3,300 tons was made up, that being the estimated weight of the "Niagara," (the largest of the new frigates,) with only her steam machinery and its appurtenances on board, thus making a weight of 315 tons more than was used in the former test. The vessel is to be placed on the dock, floated into the basin, and hauled ashore on the railway, and returned again.

The board, considering the details of the proposed test and arrangements, recommend it as one that may be sufficient to enable the department to determine whether the works are worthy of acceptance or not. The vessel is now on her way to Pensacola, and the second test will be made immediately, when the department will be the better able to judge of the character of these structures. The interests of the government shall be protected as fully as they can be, and every effort shall be made to ascertain the true facts as to the character and capability of the dock, basin and railway.

In the third section of the naval appropriation act, passed at the last session of Congress, it was provided, "that all

the grounds and appurtenances thereunto belonging, known as the Memphis navy-yard, in Shelby county, Tennessee, be, and the same is hereby, ceded to the mayor and aldermen of the city of Memphis for the use and benefit of said city, and that the Secretary of the Navy order the commandant of said navy-yard at Memphis to surrender to the mayor of Memphis said property." In pursuance of that provision of law, I addressed a communication to the mayor of the city of Memphis, to ascertain the views of the mayor and aldermen as to the acceptance of the donation. On receiving from them a certified copy of their proceedings, expressing their readiness to receive the property, an order was issued to the commander of the navy-yard at Memphis to surrender the grounds and appurtenances to the mayor. The order was obeyed, and in due form the surrender was made, and the property is now in the possession and under the control of the corporate authorities of Memphis. It is perhaps proper that I should state that there were sundry articles of property belonging to the Government used in connexion with that yard, the sale of which the department has for the present suspended, at the request of the mayor and aldermen, on their communicating to the department that they had resolved to appeal to Congress to re-establish the navy-yard.

The ground and appurtenances, however, have, in pursuance of the law, been unconditionally surrendered, and the yard abandoned by the Government.

Miscellaneous.—The Naval Academy has during the past year continued to present to the country practical evidence of the wisdom and foresight of its projector. Under the vigilant superintendence of Commander Goldsborough and his worthy assistants, the strictest discipline has been enforced, to the marked benefit of this institution.

The plan of education is now thorough, and the training of the youth admirable. The cruise in the practice ship is of immeasurable advantage in imparting, at an early age, practical knowledge of seamanship. During the last summer the *Preble*, with 31 young midshipmen, visited Portsmouth and Plymouth in England, and Brest and Cherbourg in France, thereby affording them an opportunity of examining the naval establishments at those points. The contract has been made for the erection of a machine-shop at Annapolis under the act of Congress authorizing it, and I shall avail myself of the first opportunity when the service will permit to substitute a steamer for the sloop now used as a practice ship. The number of students now at the Academy

is one hundred and sixty. Attention is called to the report of the Chief of the Bureau of Ordnance and Hydrography, and the annual report of the Board of Examiners, as also that of the commander of the practice ship.

The Naval Observatory is still entitled to generous support, and eminently demonstrates the utility of its original establishment.

The achievements on sea quietly and gradually effected by Lieutenant Maury, although not attracting the admiration of the multitude, nor dazzling the beholder with sudden flashes of triumph, have reflected honor upon himself and his country; have brought remote nations in comparative proximity to each other; have promoted commerce, by pointing out to the mariner new paths on the great deep, where favorable winds and currents lend friendly aid. His "Wind and Current Charts," and "Sailing Directions," are saving millions of money, by shortening the voyages of merchant vessels freighted with treasures.

I am officially informed "that it was stated in a paper read before the British Association last year, that it was estimated in India that a set of wind and current charts for the Indian ocean, like those that have been constructed at this office for the Atlantic ocean, would produce an annual saving to British commerce in those seas alone of not less than \$1,000,000, (£250,000,) and for British commerce in all seas of \$10,000,000 a year. This estimate was based on the condition of shortening the voyage only one-tenth, (whereas the average length of the passage to all places beyond the Equator has been shortened much more :) and the estimate was again repeated at the last meeting of the Association in Liverpool." It has also been estimated that the value of these charts to the commerce and navigation of the United States is equivalent in the saving of time to several millions a year.

I trust that these considerations may prevent all objection to the comparatively small expense annually called for to sustain this establishment.

The department is advised that Mr. Robert L. Stevens, of New York, is now rapidly progressing in the construction of the iron war steamer, to be shot and shell proof, for harbor defence, in accordance with his contract, under the acts of Congress of 1842 and 1852. In his communication of the 28th of October, he informs me that "the boilers will be ready to put on board in about three weeks, and the shafts, beams, cranks, and links are nearly finished and turned," and that he has nearly five hundred men engaged on the

work. It is very desirable that this vessel should be completed, large sums having already been expended by Congress upon it. If the undertaking is successful, and the contractor accomplishes what he promises, the benefits derivable from it for harbor defence are incalculable.

Great difficulty having been experienced in procuring American water-rotted hemp, special agents have been appointed in the districts of country in which it was most likely to be attained. The instructions for its inspection and receipt offer every inducement to encourage its preparation. The supply of hemp has been principally drawn from Russia, and the present state of affairs in Europe demonstrates the importance of our not being dependent on other countries for our supplies of this necessary article.

The estimates for the support of the navy and marine corps for the year ending June 30, 1856, and for all objects coming under the control of this department, are, in the aggregate.....	\$16,241,931 53
From which deduct special objects, including transportation of the mail in steamships.....	7,324,634 22
Leaves for the support of the navy and marine corps.....	8,917,297 31
The estimate for the present fiscal year for the support of the navy and marine corps was.....	\$8,351,171 19
The total amount drawn from the treasury during the fiscal year ending June 30, 1854, as exhibited by the statement of appropriations for the naval service prepared by the Second Comptroller of the Treasury, was.....	\$11,750,236 32
From which deduct repayments.....	948,391 04
Gives as the total expenditure for all objects under the control of the Navy Department.....	10,801,845 28
But of this amount there was expended for special objects the sum of.....	3,910,012 29
Leaving as the legitimate expenditures for the support of the navy and marine corps for the fiscal year ending June 30, 1854...	6,891,832 99

There are, however, outstanding claims to be paid out of the appropriation for the fiscal year 1853-'54.

Your attention is invited to the reports and estimates of the chiefs of the several bureaus connected with this department. I perform but an act of justice in testifying to the fidelity and attention to business of all these officers, and in suggesting that the compensation to the heads of the Bureau of Construction, Equipment, and Repair, and Medicine and Surgery, should be the same as that now allowed to the others.

You will perceive, from reference to the report of the chief of the Bureau of Ordnance and Hydrography, the importance of the action of Congress in making necessary appropriations for ordnance, which will be much larger than usual, in order to enable the department to supply the six new steam-frigates with armament, which, it is designed, shall be of different and heavier calibre than heretofore used.

In pursuance of the suggestions of the chief of the Bureau of Medicine and Surgery, the Naval Laboratory in connexion with the Hospital at Brooklyn was reorganized in the fall of 1853, and placed on a basis to secure its success and enlarge its benefits to the service. Since January last the entire supply of medicines for the navy has been prepared at that laboratory, thereby giving assurance that a reliable article is supplied, and that the service will not suffer from the imposition of spurious and deleterious drugs. As a matter of economy, also, the advantages will not be inconsiderable.

The letters of Commander Charles H. Davis, touching the Nautical Almanac, and of Professor Alexander, in regard to the character of alimentary substances, accompany this report, and will explain the progress made in their departments.

I have the honor to be, with great respect, your obedient servant,

J. C. DOBBIN.

To the PRESIDENT of the United States.

V.—THE POST OFFICE.

POSTMASTER GENERAL'S REPORT.

POST OFFICE DEPARTMENT,
December 4, 1854.

The whole number of post offices in the United States, on the 30th of June, 1854, was 23,548. Of this number 257 are offices the annual commissions from which amount to one thousand dollars or upwards, and the appointments at these offices are therefore made by the President, by and with the advice and consent of the Senate, agreeably to the provisions of the act of 1836. The number of offices established during the last fiscal year was 1,842, and the number discontinued 614, showing a net increase in one year of 1,228. The number of which the sites and names have been changed in the course of the year was 499. The number of postmasters appointed during the year was 8,618. Of these, 4,185 were appointed to fill vacancies occasioned by resignations; 1,977 by removals; 320 by deaths; 294 by change of names and sites; and 1,842 on establishment of new offices.

The total number of offices on the 1st of December, 1854, was 23,925.

On the 30th June last there were in operation 6,697 mail routes. The number of contractors was 5,167.

The length of these routes is estimated at 219,935.

The total annual transportation of mails was 63,387,005 miles, costing \$4,630,676, and divided as follows, viz:

21,267,603 miles by modes not specified, at \$1,092,833, about 5 cents per mile.

20,890,530 miles by coach, at \$1,290,095, about 6 cents per mile.

15,433,389 miles by railroad, at \$1,758,610, about 11 cents 4 mills per mile.

5,795,483 miles by steamboat, at \$489,138, about 8 cents 4 mills per mile.

Compared with the services of the 30th June, 1853, there is an increase of 1,494,463 miles of transportation, or about $2\frac{1}{2}$ per cent., and of \$134,708 cost, being about 3 per cent.

The increase of railroad service is 2,446,684 miles, and the expense \$157,281, being 19 per cent. in transportation, and not quite 1 per cent. in cost.

The increased transportation by modes not specified is 377,157 miles, or about 1 per cent., at a cost of \$37,520, or $3\frac{5}{100}$ per cent.

The transportation by coaches is less by 439,796 miles, or about 2 per cent., though at an increased cost of \$83,137, or $6\frac{8}{100}$ per cent.

The unprecedented extension of railroads superseded much coach service. The increased cost for a diminished amount of such service may be accounted for from the fact that the new contracts in New England and New York, commencing 1st July, 1853, were made at largely enhanced rates, increasing the aggregate expense, while the amount of service was largely reduced.

The steamboat transportation during the past year was reduced 889,582 miles, or $15\frac{3}{8}$ per cent., at a reduced cost of \$143,230, or $29\frac{7}{100}$ per cent.

This is accounted for by the discontinuance of service between Wilmington, North Carolina, and Charleston, South Carolina, Savannah, Georgia, and Charleston, and Detroit, and Buffalo, and the suspension of service on the Arkansas and White rivers, owing to the failures of the contractors.

Several steamboat routes were also dispensed with at the lettings of new contracts for New England and New York.

The portions of service in the foregoing estimates chargeable to California are 591,630 miles of annual transportation, costing \$142,933, and varying but slightly from last year's report.

Steamboat transportation 159,120 miles, at \$21,000.

Coach " 174,026 miles, at \$35,185.

Modes not specified, transportation 258,484 miles, at \$86,-748.

In Oregon the service is as follows:

Steamboat, 38,038 miles, at \$17,000.

Modes not specified, 98,988 miles, at \$2,151.

Total transportation 137,026 miles.

Total cost \$45,151.

The annual transportation by steamboat was increased 10,760 miles during the year without additional pay.

The following table exhibits the extension of railroad service during the year, separately, in five groups of States:

	Length of route.	Miles of annual transportation.	Additional cost.
New England and New York	629	971,341	\$29,488
N. Jersey, Pennsylvania, Delaware, Maryland, and Ohio	342	453,660	15,518

Virginia, North Carolina, S. Carolina, Georgia, and Flo- rida.....	328	235,227	\$56,863
Michigan, Indiana, Illinois, and Wisconsin.....	605	710,952	44,214
Kentucky, Tennessee, Alaba- ma, Mississippi, and Loui- siana.....	121	75,504	11,234

The lettings for the year embraced the States of Alabama, Mississippi, Louisiana, Arkansas, Texas, Missouri, Kentucky, Tennessee, Iowa, Wisconsin, Michigan, Indiana, Illinois, California, and the Territories of Oregon, New Mexico, Utah, Washington, and Minnesota. In some of the States and Territories I found the mail facilities greatly deficient, and not at all such as the wants and requirements of the people absolutely demanded. After a careful survey of each State and Territory, I gave to it such additional facilities as its increasing trade and population seemed to require.

A comparison of the service under the new contracts commencing 1st July last, as in operation on the 30th September, with that under the expired contracts in the north-western and southwestern sections of the Union, shows that the annual transportation of mails has been increased 2,990,860 miles, at an increased cost of \$395,373 per annum, divided among the several States and Territories, as follows:

	Increased miles of annual trans- portation.	Increased annual cost.
Michigan	146,342	\$2,189
Indiana.....	240,255	60,425
Illinois.....	266,618	67,956
Wisconsin.....	75,537	32,320
Iowa.....	180,156	39,625
Missouri.....	23,820	11,635
Minnesota	62,960	2,002
Kentucky	269,258	
Tennessee .....	.....	16,285
Alabama .....	.....	19,764
Mississippi	577,318	49,214
Arkansas.....	477,156	46,688
Louisiana.....	358,904	41,138
Texas.....	469,148	67,154
California.....	68,302	
Utah.....	25,960	12,203

In Alabama the transportation has been slightly decreased, though the total cost of service is increased \$19,764.

In New Mexico the same amount of transportation continues under the former contracts, but at a reduced cost of \$10,700.

In California, 68,302 miles of additional transportation is obtained at a reduced annual cost of \$41,804, according to the accepted bids; but, owing to the failure of the bidders on two important routes, it is expected that the actual cost of the service will be largely increased.

The service in Oregon has been reduced by not renewing the contracts on the routes from Columbia to Cascades, Cascades to Wascapum, and Wascapum to Salt Lake.

In Kentucky, 269,258 miles of additional service were obtained at less pay than under the former contracts.

Of the 2,990,860 miles of transportation above stated, 1,292,650 miles are performed by railroad.

Of the additional cost of \$395,373, \$106,951 is for railroad service.

The total annual transportation under the new contracts, as adjusted for the quarter ending 30th September, is 29,047,050 miles, and the total annual cost \$2,375,789, divided as follows, viz:

3,576,966 miles by railroad, at \$343,118, or 9 cents and 6 mills per mile.

4,159,864 miles by steamboat, at \$436,768, or 10½ cents per mile.

6,674,072 miles by coach, at \$646,068, or 9 cents and 6 mills per mile.

14,636,148 miles by modes not specified, at \$949,835, or 6½ cents per mile.

Contracts have been made to convey mails by steamboat between New Orleans, St. Francisville, and Vicksburg, at \$75,000 per annum, and between Mobile and Montgomery, Alabama, at \$35,000 per annum, which are not included in the foregoing statements. The amount of pay for service, as in operation on 30th September, between New Orleans and St. Francisville, by transient boats, is \$33,680. It is proper, therefore, to add for the new regular service \$41,320, which, with the \$35,000 on the Alabama river route will increase the cost of the service for the current year \$76,320—making the whole additional cost of the new contracts \$471,693. To these must also be added the cost of additional route agents, local agents, and mail messengers, appointed since 1st July, amounting to \$7,988.

There were in service on the 30th June last 236 route agents, at a compensation of \$181,600 per annum; 21 local agents at \$15,490 per annum; and 968 mail messengers, at

\$92,131 80 per annum; making a total cost of \$289,221 80 per annum to be added to the other cost of transportation, stated above at \$4,630,676.

Pursuant to the act of Congress of 5th August, 1854, I invited proposals on the 31st August for conveying mails from Cairo, Illinois, to New Orleans, and back, daily, in steamboats.

Only one bid was received within the prescribed time, (6th November :) and that being for \$300,000, I did not feel myself at liberty to accept it. A second bid at a much more reasonable rate was received after the regular time had expired.

There are now no great mail lines in operation with which to connect the proposed one at Cairo. The time is, however, not distant, when the necessary connexions will be effected by the completion of the Illinois Central railroad to Cairo, and of the Ohio and Mississippi road to its point of intersection from the East with the Illinois Central. I am informed that by the 1st of January the Illinois Central will be completed, and that by the 1st of July the Ohio and Mississippi road will make its eastern connexion with that road. The chain of railroads between the Atlantic at various points and the Mississippi river, thus completed, will attract large and important mails which are now conveyed on other routes, and most materially enhance the importance of a steamboat route between Cairo and New Orleans. Moreover, it is reasonable to anticipate such an increase of trade and travel in the same direction as will go very far towards sustaining a line of boats, thus reducing the cost of mail service.

At present, the principal, if not the only support of the line, would be from this department; and I have, therefore, deemed it my duty not to enter into a contract now, but await developments so soon to be expected, enabling me to negotiate terms much more advantageous both to the public and this department.

In the mean time mails are regularly conveyed as heretofore, by the trip between Louisville and New Orleans, and St. Louis and New Orleans.

I have also contracted for separate service between New Orleans and Vicksburg, Vicksburg and Napoleon and Memphis.

There were in operation on the 30th September last 239 railroad routes; their aggregate length was 16,621½ miles, and the cost of mail transportation thereon was \$1,923,747 89. Add to this the sums paid mail messengers, route and

local agents, and the whole cost of this service will be \$2,196,249 89.

In adjusting the rate per mile to be paid these railroads great difficulties continue to exist. The principle which should regulate their pay seems to be agreed upon. The companies allege that the government should not ask or expect them to perform for it any service at a less rate than that paid by individuals for similar services. This principle has never been denied or disputed by the Post Office Department; but, on the contrary, it has always maintained—and this has been ever the great cause of difficulty between the department and the companies—that the government has been charged and paying much greater prices than those paid by individuals. Whether this by so or not, is a matter that could be easily settled by computation. And when the Post Office Committee of the House of Representatives at its last session proposed a bill fixing certain rates per mile for mail transportation on the roads, if it could have been shown to them that the rates thus fixed were too low, considering the weight of the mail, its importance, and the facilities and space given for its transportation, I am satisfied they would have at once increased the rates. What is required is to fix fair and just prices, companies performing similar services to receive the same pay, which is not now the case, and all of them to be paid according to the bulk of the mails, the speed with which they are conveyed, and the accommodations required. The sums paid by express companies would be a very unfair criterion by which to regulate the charges to be paid for the conveyance of the mails. Controlled by no competition excepting such as it is in the power of the railroad companies themselves to prevent, they can pay any prices which may be demanded of them and assess it upon their customers. It would be unjust, too, to found a calculation upon the assumption that the mail car was twenty-five feet in length, fifteen for a mail room and ten for a post office, and then to estimate and charge both for weight of car and mails at fourteen tons. Accommodations such as these are required both for the security of the mails and to enable route-agents properly to discharge their duties; and to this fact I early drew the attention of the companies; but these accommodations have not been given. Many of the railroads, desirous of properly serving the public, devote a car exclusively for mail purposes; but in the great majority of cases a car is divided between the government and the express companies, or a space is apportioned off for the route-agent, the mail being placed with the baggage in one

By the act of 24 July, 1836, it is provided that contracts shall in all cases be awarded to the lowest bidder. In order to guard the department against fraud and imposition, the form of a bid is prescribed by the regulations. A guarantee is likewise provided, from the act, by which two responsible persons undertake that if the party bidding be accepted, he shall enter into the contract for the service proposed, and give such sufficient securities. A certificate is then required to be signed by a postmaster, judge, or clerk of record, who certifies to the sufficiency of the guarantee. Notwithstanding these precautions, irresponsible men frequently become bidders, having no design of performing the service, but with the sole object of selling out their bid. Failing to find a purchaser, they refuse to enter into the contract, and when inquiry is made into the sufficiency of the guarantee, in order to institute an action against them, it is discovered that they are permanently worthless. On failure of the bidder, the contract is awarded to the next lowest bidder; but as he is not bound by his bid after the acceptance of the lowest bidder, it very frequently happens that he declines his acceptance, and the department is then obliged to pay much more for the service than it could have been had he, as soon as it is really worth. Such instances occurred frequently at the last lettings, which have increased very much the cost of the service. Some discretion should be lodged in the Postmaster General to prevent such frauds; but in its absence, I have determined at the next lettings, to designate certain postmasters in each State in which a letting is to be had, who alone will be authorized to give the required certificate.

The proper distribution of mail matter in a country so vast as ours, with so many mail-coaches and so many post offices, is a subject attended with great difficulty, and to which the attention of my predecessors has frequently been directed. Letters, instead of being one, or at most, two distributions, have been distributed four or five times before their arrival at the destined point. The consequence has been that the distribution and delivery committees have almost covered the postage; but the worst evil arising from this practice has been that great delays have been occasioned, which have always been the subject of just complaint. To distribute mail matter properly requires a minute knowledge of mail arrangements, and this the department alone can have. If the postmasters at the various distributing post offices were permitted to make their own distribution schemes, with their necessarily imperfect knowledge, great mistakes must occur.

and, instead of a letter being mailed direct to the distribution office to which it belongs, it would be mailed from point to point along the route until it reached its destined point. To prevent these delays, and at the same time to possess myself of the local knowledge of the postmasters at the distributing post offices, I caused to be forwarded to me the different schemes of distribution. Some of them I found quite perfect, but the great majority of them were very defective, and my only surprise has been that greater delays in the delivery of letters have not taken place. I am now having prepared distribution schemes for every distributing office in the country, allotting to each its proper distribution. When they are completed the postmaster at the mailing point can, by turning to his scheme and looking to the counties and towns in each State allotted to the various distributing offices, be enabled to mail direct. The department will likewise have the important matter of distribution under its exclusive control, and when new mail arrangements are made, by railroad or otherwise, which would change the course of distribution, the different offices can be instructed accordingly. Much, however, remains to be done. Every distribution causes delay, and this must necessarily take place under our present system once or twice, which is one great cause of complaint that letters do not reach their point of destination as soon as passengers. When the letter is from one distributing office to another the mailing is direct, and if sent on its proper course there is no good reason for any delay. The mailing, indeed, should be direct from every post office in the United States to another, but this under our present system I view as impracticable. With our existing regulations, which prescribe that every postmaster shall mail direct to the place addressed all letters for his own State or Territory, and all letters for post offices in other States and Territories which should not pass through a distributing office on their proper route to the office of delivery, rigorously enforced, and the new schemes of distribution in operation at the various distributing post offices, I trust to be able to give to our mails greater speed and regularity.

The Auditor reports the expenditures of the department for the last fiscal year at \$8,577,424 12, for the following objects, viz:

Compensation to postmasters.....	\$1,707,708 29
Extra compensation to postmasters by the act of March 3, 1851.....	34,799 97
Ship, steamboat, and way letters,.....	19,549 67

Transportation of the mails, including the mails to Bremen, Havre, and Havana, and the mails across the isthmus of Panama.....	\$5,401.382	50
Wrapping paper.....	40,463	66
Office furniture for post offices.....	5,929	36
Advertising.....	103,863	57
Mail bags.....	48,861	57
Blanks.....	78,176	81
Mail locks, keys, and stamps.....	10,070	77
Mail depredations and special agents.....	48,769	51
Clerks for offices (of postmasters).....	631,138	26
Official letters received by postmasters.....	447	32
Postage stamps.....	13,664	57
Stamped envelopes.....	47,418	77
Postage stamps of old issue redeemed.....	51	65
Payments to letter carriers.....	135,968	52
Compilation of post routes.....	1,000	00
Miscellaneous payments.....	153,617	96
Payments for British mails.....	94,541	39
	<u>\$8,577,424</u>	<u>12</u>

The gross revenue of the last fiscal year, including foreign postages and the annual appropriations from the treasury granted by the acts of 3d March, 1847, and 3d March, 1851, in compensation of mail services rendered to the government, amounted to \$6,955,586 22, viz:

Letter postage.....	\$3,277,110	50
Postage stamps sold.....	2,146,476	02
Newspapers and pamphlets.....	606,148	18
Fines, other than from contractors.....	17	50
Emolument accounts of postmasters.....	81,952	46
Letter carriers.....	135,968	52
Recovered from failing contractors.....	400	00
Dead-letter money unclaimed.....	4,346	11
Miscellaneous receipts.....	3,166	93
	<u>6,255,586</u>	<u>22</u>
Annual appropriations above stated.....	700,000	00
	<u>6,955,586</u>	<u>22</u>

The revenue, as above stated, includes the balance against the department of \$138,565 61, resulting from our postal account with Great Britain, Prussia, and Bremen for the last fiscal year.

The expenditures of the department for the past year, including payments for foreign postages, were, as already stated.....\$8,577,424 12

The revenue of the year, including foreign postages and the appropriation for free matter, amounted to..... 6,955,586 22

Deficiency..... 1,621,837 90

To the deficiency above stated should be added the balances due and unpaid to the London and Bremen offices up to the 1st of July last, less the balances due by the Prussian office up to the same period, viz:

Balances due the London office from April 1, 1853, to June 30, 1854.....\$230,259 07

Balances due and unpaid to the Bremen office to the same period 13,465 40

243,724 47

Less balances due from the Prussian office 1st January, 1853, to June 30, 1854..... 110,241 14

133,483 33

Total deficiency for 1854..... 1,755,321 23

The deficiency for the year ending June 30th, 1853, as stated in my report of last year, was.....\$2,117,078 20

In the year 1854 the deficiency, as stated above, was..... 1,755,321 23

Difference in favor of 1854..... 361,756 97

One of the results of the great activity and expansion which have prevailed in the general business operations of the country during the past year is manifest in an extraordinary increase of the Post Office revenue; and that it may be seen in which branch this increase has mainly arisen, the revenue of the past and preceding year is here presented in a comparative statement from which the foreign postages are excluded:

	Revenue of 1853.	Revenue of 1854.
Letter postage.....	\$2,843,965 42	\$3,277,110 50
Stamps sold.....	1,629,262 12	2,146,476 02
Newspapers and pamphlets...	611,333 42	606,148 18
Emolument account of post-masters.....	38,386 01	81,952 46
Received from letter-carriers...	113,017 73	135,968 52

	Revenue of 1853.	Revenue of 1854.
Miscellaneous receipts.....	\$4,760 00	\$7,930 54
Annual appropriations for free matter.....	700,000 00	700,000 00
	<hr/> 5,940,724 70	<hr/> 6,955,586 22
Deduct the balance in each year resulting from our postal accounts with Eng- land, Prussia, and Bremen..	94,466 27	138,928 31
	<hr/> 5,846,258 43	<hr/> 6,816,657 91
		<hr/> 5,846,258 43

Total increase of 1854..... 970,399 48
or $18\frac{8}{10}\frac{5}{10}$ per cent.

If from the letter postage and stamps sold in each year the foreign balances be deducted, there will appear an increase over 1853 of $20\frac{6}{10}\frac{7}{10}$ per cent.; while the revenue from newspapers and pamphlets in 1854 seems to have fallen off nearly one per cent.

But the general account of "stamps sold" is necessarily so kept as to embrace not only the letter postage stamps and stamped envelopes, but also the one-cent blue stamps, which are generally used to prepay transient newspapers, printed circulars, and dropped letters, and occasionally upon domestic and foreign correspondence.

Therefore, to arrive at a proper estimate of the revenue from printed matter, it is necessary to accord to it its due proportion of the stamps sold. If we admit 75 per cent. of the average amount of the blue stamps, sold in the last three years, to belong to the revenue from printed matter, then the condition of the revenue derived from that branch in the last four years will be shown by the following statement:

	Year ending June 30, 1851.	Year ending June 30, 1852.	Year ending June 30, 1853.	Year ending June 30, 1854.
Revenue as stated by the Auditor...	\$1,035,130 89	\$789,246 36	\$611,333 42	\$666,148 18
Three-fourths blue stamps sold.....	None issued this year...	38,081 64	32,858 17	53,950 61
	<hr/> 1,035,130 89	<hr/> 827,328 00	<hr/> 644,291 59	<hr/> 660,098 79

As the act of the 30th August, 1852, fixing the present rates of postage on printed matter, took effect on the 1st October following, a fair comparison can only be instituted between the revenue of the two last fiscal years, through the

whole of which the existing rates of postage prevailed. This shows that after giving to each year the liberal allowance of three-fourths of the one-cent stamps sold, the year ending June 30, 1854, exceeds the previous year only $2\frac{4}{5}$ per cent.

In this act there is a clause which provides that "when the postage upon any newspaper or periodical is paid quarterly or yearly in advance," one-half only of the regular rates shall be charged. In view of the trivial increase of the postage on printed matter, and of the extremely low rates, particularly for newspapers and periodicals, I would recommend that the law be so far changed as to omit the clause referred to, leaving the department to fall back upon the act of 1825, under which quarterly payments in advance on newspapers and periodicals have heretofore always been required. The propriety of this recommendation will be apparent not only for the reasons above suggested, but also from the following comparative statement of facts: Under the act in operation prior and up to July 1st, 1851, the postage, for instance, on a weekly newspaper when sent not over one hundred miles, or any distance in the State where published, was thirteen cents, and when sent over one hundred miles, or out of the State where published, nineteen and a half cents a quarter. By the act of March 3d, 1851, six different rates, according to distance, were established. Thus, on a weekly newspaper, for any distance not exceeding fifty miles, five cents a quarter; over fifty, and not exceeding three hundred miles, ten cents; over three hundred, and not exceeding one thousand miles, fifteen cents; over one, and not exceeding two thousand miles, twenty cents; over two, and not exceeding four thousand miles, twenty-five cents; over four thousand miles, thirty cents a quarter; and weekly newspapers to subscribers in the county where published were made free. By this act the postage, it will be perceived, for any distance not over one thousand miles, was greatly reduced; but owing to the diversity of rates—the too great reduction for the shorter and too great increase for the longer distances—its modification was at once called for, and this resulted in the present law, by which the quarterly rate on any weekly newspaper or periodical not exceeding three ounces in weight sent any distance in the United States, is only six and a half cents. On newspapers not exceeding one and a half ounce in weight, when circulated in the State where published, the quarterly rate is still one-half less, being only three and a quarter cents; and weekly newspapers to subscribers in the county where published go free. I cannot

avoid the conviction, that had it been clearly understood that the act of 1825 required payment quarterly in advance on regular newspapers to subscribers, and that the effect of the clause in question would be to reduce the postage on the great bulk of printed matter to rates so exceedingly low, Congress never would have given its sanction to the measure. If my recommendation be adopted, the quarterly postage, for instance, on a weekly newspaper or periodical not exceeding one and a half ounce, circulated in the State where published, (and in the same proportion for more frequent publications,) will be six and a half cents; and when not over three ounces in weight, sent to any part of the United States thirteen cents a quarter. The newspapers to subscribers living in the county where published will continue to go free.

The expenditures of the current year ending June 30, 1855, owing to causes not within the control of the department, will greatly exceed those of the past year.

In my report of the 1st December last, I had the honor to state that the commissions allowed to postmasters by the 6th section of the act to establish certain post-roads, &c., approved 3d March, 1853, had proved insufficient at several of the distributing offices to defray the expenses necessary to their efficient administration; and to remedy a state of things so injurious to the service, I then recommended the restoration to the Postmaster General of the discretion given him by the 6th section of the "Act to reduce and modify the rates of postage," approved March 3, 1851, so that he might have it in his power to allow to the postmasters at such distributing offices the means necessary to defray expenses. At the same time I took occasion to say, that while this power should be given to meet the exigencies of a particular class of cases, not exceeding twenty in number, there were abundant reasons why a larger share of the postages should not be diverted from the general purposes of the department. Upon representations subsequently made, it was deemed expedient to ask an enlargement of the power above mentioned so far only as to embrace a few separating offices situated at points exacting great labor and affording but a nominal compensation to the incumbents. Careful estimates were made by the Auditor of the increase of expense necessary to relieve the few distributing and separating offices which might, upon investigation, appear to be justly entitled to aid from the department, and the conclusion was that the whole amount could not exceed \$45,000 per annum.

This sum would certainly have been sufficient to cover all proper demands for additional aid. But the views of the department did not prevail, and Congress passed the act of June 22d, 1854, fixing an increased scale of commissions and raising the aggregate compensation of all the postmasters in the United States not less than \$300,000 per annum, thereby increasing the expenditures of the department to that amount, instead of \$45,000, as had been recommended. The expenditures of the current year for "compensation to postmasters," "clerks for offices," &c., will be further increased by the operation of the 4th and 5th sections of the act of 27th July, 1854, making provision for the postal service in the State of California and the Territories of Oregon and Washington. By the 5th section of the act, the Postmaster General is authorized and directed to allow in the statement of the accounts of postmasters in California and Oregon originating previous to the 30th June, 1853, "all just and reasonable expenses incurred by them in and about the business of their respective offices and the discharge of their official duties; provided, that no allowance shall be made whereby the United States shall be charged with any indebtedness whatsoever." The balances due from late and present postmasters in California and the Territories of Oregon and Washington, subject to the operation of the 4th and 5th sections of the act just mentioned, amounted, on the 30th June, 1854, to \$164,144 41, of which sum it is estimated that not less than \$50,000 must be cancelled under the provisions of the 5th section, and carried into the general accounts of the department as expenditures of the current year.

In addition to the burdens thrown upon the revenue of the department by the general increase of the compensation of postmasters, and the special legislation for those in California, Oregon and Washington Territories, the cost of transporting the mails will be greatly increased in the present year by putting new post-routes in operation, by the enhanced prices demanded in the very large section let to contract from the 1st July last, and by important improvements in the grades of service generally.

Whilst I shall take care that the expenditures of the department are not unnecessarily increased, and that it shall draw from the general treasury only as much as its absolute wants require, which, I fear, it must necessarily do for some years under the present rates of postage, it would be neither wise nor expedient to deprive or keep from our people the mail facilities which they require. The principle adopted

in the infancy of our republic, that the Post Office Department should sustain itself from its own revenues, was, in my opinion, most wise and salutary. A postage was then laid sufficient to meet the wants of the service, and under this system each citizen paid the expenses of the transportation of his own letters, and others were not taxed for his benefit, as they must be when sums have to be drawn from the general treasury to meet deficiencies in the Post Office revenues.

Having thus briefly adverted to some of the causes of increase in the expenditures in the current year, I proceed to show what those expenditures will probably be, and what means the department will have to meet them.

It is estimated that the expenditures for the year 1855, exclusive of payments for foreign postages accruing within the year, will be about \$9,841,921 33, viz:

The rate of cost of transportation, including foreign mails, on the 30th June, 1854, was...\$5,517,312 00

To the cost of transportation in 1854 add the increase in the current year which will be occasioned by the enhanced prices of the new contracts commenced 1st July last in the northwestern, western, and southwestern States and Territories, including California and Oregon, by the extension and improvement of the service therein, and by improvements in other sections about..... 650,000 00

Total for transportation in 1855..... 6,167,312 00

For compensation to postmasters, clerks for offices, ship, steamboat, and way-letters, wrapping paper, advertising, office furniture, mail bags, blanks, mail locks, keys and stamps, mail depredations and special agents, postage stamps and stamped envelopes, letter carriers and miscellaneous payments..... 3,541,126 00

For balances due to foreign countries up to June 30, 1854, which will be paid in 1855, amounting to..... 133,483 33

9,841,921 33

The means for the year 1855 will probably amount to \$9,989,944 90.

The balance stated by the Auditor as at the credit of the revenue account on the 30th June last was..... \$740,078 63

From the above balance the following deductions should be made, viz:

Doubtful and unavailable balances due by late postmasters originating prior to June 30, 1854.....	149,438	34
California accounts, estimated at...	50,000	00
Balances due from foreign postage accounts prior to June 30, 1854	133,483	33
		<hr/>
		332,921 67
Available for 1855.....	417,156	96
The gross revenue of the year, exclusive of balances, resulting from the foreign postage accounts, is estimated at.....	6,728,324	00
The appropriations for free matter, less \$200,000 drawn in 1854.....	500,000	00
The appropriation to supply deficiencies in the year 1855, made by the act of August 5, 1854	2,344,464	00
		<hr/>
		9,989,944 96
Estimated expenditures of 1855.....	9,841,921	33
		<hr/>
Estimated surplus June 30, 1855.....	148,023	63

During the three years which commenced on the 1st July, 1851, and ended on the 30th June, 1854, the department issued 166,126,417 postage stamps, and 25,076,656 stamped envelopes, amounting in the aggregate to \$5,507,022 03, of which \$5,092,301 73 were sold, being about 92½ per cent. of the whole amount issued.

Having ascertained that the mode of examining and checking the quarterly returns of postmasters was radically defective, I took occasion to invite attention to the subject in my report of last year, and I again advert to it because subsequent investigation and experience have convinced me that a thorough check of the accounts under the present system is wholly impracticable. Such a check is indispensable to the safety of the revenue, and can in no way be effected so certainly, at so little cost, and with so much advantage to the service, as by adopting prepayment of postage in all cases not coming within our postal arrangements with foreign countries.

This plan, connected with a well-digested system for the registration of letters, to which I shall presently allude, would quicken correspondence, while it would facilitate and expedite the operations of the post offices in mailing and delivering letters, and inspire confidence in the department as a safe means of transmitting letters containing remittances.

Very soon after I entered upon my duties in this department, its large and increasing correspondence in regard to the loss of valuable letters intrusted to the mails attracted my attention. I found, on examination of the subject, that although Congress, in establishing our postal system, appears to have had principally in contemplation the providing of suitable and convenient means of correspondence and the diffusion of intelligence, yet, from that time until now, the mails have been used, to a large and constantly increasing extent, for the transmission of bank notes and other valuable enclosures, and are now the principal means through which the remittances of the country are made; while neither the laws nor any regulations of this department have provided any additional guards for their security against loss or depredation beyond those originally established. In view of the enormous sums which are constantly passing through the mails, the losses by depredation are inconsiderable. Still, such losses are numerous, their aggregate amount is large, and they are increasing with the growth of our country and the extension of its mail service. Under these circumstances, I have thought it proper to recommend such legislation on this subject as may enable this department to give greater security to valuable letters in the mails, without assuming any liability for their ultimate loss. By our present system, all letters mailed at a given date at one post office for delivery or distribution at another, are entered *in gross*, according to their several rates of postage, upon one post bill. If a letter of great value be embraced in the bill, neither its address nor any other description of it is entered on the post bill, by which it can be distinguished from other letters of the same grade or rate of postage. Nor is the address or description of any such letter entered on the postmaster's account of mails sent, nor indeed upon any other record kept in the office from which it is sent. The only account kept by the postmaster is a *money account*, made up each day of the several aggregates of postages of the different rates, either collected or charged as unpaid. It will be seen that, under such a system of accounts, a missing letter can never be traced with certainty, for the account neither furnishes evidence that a particular letter ever reached the place of its destination, nor even that it left the office of mailing. Believing that this imperfection in our system can only be remedied by the adoption of a general and uniform plan of registration for all valuable letters, I have, after consulting the experience of other countries on the subject, devised a plan of

registration which I think suited to our circumstances, and likely to add greatly to the security of the mails against depredation.

It provides that receipts shall be given for valuable letters when posted, and that duplicates of these receipts shall be kept for reference at the office of mailing; that the full address of such letters shall be entered on a separate post bill, which shall be copied at large upon an account to be kept of registered letters sent. This post bill is to be forwarded in a sealed envelope, separate from the package of letters to which it relates, and its receipt at the office of its destination is to be acknowledged by a duplicate thereof returned to the office of mailing—marked *correct*, or otherwise, as it may be found on comparison. It provides that at the large offices valuable letters shall be received at one window only, and that the receiving clerk shall check them to the register clerk, and he to the mailing clerk. It is, in short, designed to fix responsibility and to furnish means which do not now exist for tracing a missing letter from the point of its reception to that of its disappearance. To carry this plan into effect, it will be required that new and expensive blanks be prepared and distributed, and that an increased clerical force be employed in the principal post offices. I have not, therefore, felt at liberty to adopt it without the sanction of Congress, and authority to establish such additional rate of postage on this class of letters as may be deemed adequate to the expense of registration.

In Great Britain the "registration fee" on inland and most foreign letters is sixpence sterling (about twelve cents) in addition to the ordinary rates of postage, and it is expressly provided that "such registration shall not render the Postmaster General or the post office revenue in any manner liable for the loss of any such post letters or the contents thereof." It is believed that authority to establish an additional rate of five cents on each letter registered, and to require the postage on all registered letters to be prepaid, would enable the department to carry into effect the plan here submitted without prejudice to its revenues.

It is not proposed to make the registering of valuable letters compulsory, nor that the government shall become liable for such letters when lost, but only to enable each person mailing a valuable letter to do so in the ordinary manner, or to add something to its security by the payment of a small registration fee.

I have no doubt that the registration of valuable letters as proposed, would be highly appreciated as a means of security

by the large commercial classes of the community, whose collections and exchanges are made principally through the mails, and who have from time to time urged in vain upon this department the adoption of some such plan for their protection. I believe, too, that such a system of registration would relieve this department from the imputation of numerous losses not properly chargeable upon it—cases in which valuable letters alleged to have been lost through the mails either never reached any post office, or have been stolen after arriving at the places of their destination.

The cost of the service for the last fiscal year on the several United States mail steamship lines, and across the isthmus of Panama, is as follows:

New York to Liverpool, Collins line, twenty-six round trips.....	\$858,000 00
New York, <i>via</i> Southampton, to Bremen, eleven round trips.....	183,333 26
New York, <i>via</i> Cowes, to Havre, eleven round trips.....	137,500 00
New York and New Orleans to Aspinwall, twenty-four round trips, including same number of trips between New York and New Orleans, <i>via</i> Havana.....	289,000 00
Astoria, <i>via</i> San Francisco, to Panama, twenty-four round trips.....	348,250 00
Charleston, <i>via</i> Savannah and Key West, to Havana, twenty-four round trips.....	50,000 00
New Orleans to Vera Cruz, twenty-four round trips, omitting Tampico.....	37,200 00
Aspinwall to Panama.....	119,727 03
	<hr/>
	2,023,010 29

By the act of Congress approved the third of March, 1847, the President was authorized to contract for the construction and equipment of four first-class sea-going steamships, to be attached to the navy of the United States. It was by the second section made the duty of the Secretary of the Navy to accept on the part of the Government of the United States the proposals of E. K. Collins and his associates for the transportation of the United States mail between New York and Liverpool. The steamships to be employed were to be so constructed as to render them convertible at the least possible cost into war steamships of the first class. By the fourth section of the same act it was likewise made the duty of the Secretary of the Navy to contract with A. G. Sloop for the transportation of the mail from New York to New Or-

leans twice a month and back, touching at Charleston, if practicable, Savannah, and Havana, and from Havana to Chagres, and back twice a month. The fifth section authorized him to enter into a contract to carry the mail from Panama to Oregon once a month. The sixth section made it the duty of the Secretary of the Navy to provide in the contracts authorized by the act that the Navy Department shall at all times exercise control over said steamships, and at any time have the right to take them for the exclusive use and service of the United States, due provision being made in the contracts for the mode of ascertaining the proper compensation to the contractors therefor. On the first of March, 1847, the Secretary of the Navy entered into a contract with E. K. Collins and his associates. The contract contains all the stipulations required by the act of Congress; the service to be performed was twice each month for eight months of the year, and once a month during the other four months. The sum to be paid was three hundred and eighty-five thousand dollars, or nineteen thousand two hundred and fifty dollars a trip, and the contract was to continue in force for ten years from the date of the commencement of the service. A. G. Sloo was contracted with by the Secretary of the Navy on the 20th of April, 1847, to perform the service mentioned in the fourth section. The service was to be twice a month; the sum to be paid two hundred and ninety thousand dollars, and the contract to continue in force for ten years from the commencement of the service. This contract likewise contains all the stipulations required by the act of Congress, and was assigned by A. G. Sloo to George Law, Marshall O. Roberts, and B. R. McIlvain on the third of September, 1847. The contract to transport the mail from Panama to Oregon was entered into with Arnold Harris on the 16th of November, 1847. The service was to be once a month; the price to be paid was one hundred and ninety-nine thousand dollars, and the contract was to continue for ten years from the first of October, 1848. All the stipulations required by the act of Congress are contained in this contract also, which was assigned on the 19th of November, 1847, to William H. Aspinwall. On the 13th of March, 1851, the Secretary of the Navy and Postmaster General, in pursuance of a law passed on the 3d of March, 1851, entered into an additional contract with the Pacific Mail Steamship Company, acting by William H. Aspinwall, by which the service from Panama to California and Oregon was increased to twice a month, at an increased price of one hundred and forty-nine thousand two hundred and fifty dollars, making the whole cost of the service three

hundred and forty-eight thousand two hundred and fifty dollars.

The object of Congress in the passage of this act seems to have been to build up a naval steam marine, which might temporarily be employed for commercial purposes. In order to enable private individuals to build and equip these steamships in the mode pointed out by Congress, sums of money were advanced to them, and to sustain them until wanted for Government purposes, large sums of money were paid them for conveying the mails. If in the progress of time it is discovered that these steamships are not suited for naval purposes, or that the large sums paid their owners for mail transportation have created a monopoly, checking the energy and enterprize of others of our citizens, Congress, in my opinion, is called upon to terminate their contracts, if it can do so consistently with plighted faith. By the terms of the act, and of the contracts entered into between the Navy Department and these companies in pursuance of the act, it will be seen that Congress reserved to itself the right to purchase the steamships, and thus terminate the connexion between the companies and the Government. When they have been paid for their vessels the sums fixed by the appraisers mutually chosen, every thing has been done which the faith of the nation requires.

It is of course of great importance to the commercial and other interests of the country that the mails should continue to be carried; but if these contracts are to be considered with reference to the transportation of the mails, the prices paid are too high, and if continued, all competition on the part of private individuals unconnected with the government must cease. High, however, as are the present prices, if the competition on the New York and California line be driven off by the aid of funds derived from the general government, no one can foretell the prices that will have to be paid after the expiration of the present contract. If the present contractors do not wish the government to purchase their steamships, and thus to end the contracts, it will be for them to agree to a reduction of the present prices. Government will then pay a fair remuneration for all the service which it receives, and the carrying and passenger trade between our Atlantic and Pacific coasts will not have become a monopoly. In the bids received under an advertisement issued to obtain information, required by the third section of the act of 3d March, 1853, the Nicaragua Company proposed to carry a semi-monthly mail between New York and California for a sum not exceeding three hundred

thousand dollars, or six hundred thousand dollars for a weekly service, which is now required; and this, in my opinion, is the highest rate of pay which ought to be demanded. The present semi-monthly service, including the sum of \$119,727 03, paid for the isthmus transportation, will cost this year the sum of \$757,977 03. By the act of July 21, 1852, the number of trips on the Collins line was increased to twenty-six, and the price raised from nineteen thousand two hundred and fifty to thirty-three thousand dollars a trip, making the yearly cost of this service eight hundred and fifty-eight thousand dollars. The section thus increasing the compensation contains a proviso reserving the power to Congress to terminate this additional allowance at any time after the thirty-first of December, 1854, upon giving six months' notice.

While I shall always take great pleasure in testifying to the faithfulness with which these contractors have performed the service, and in saying that the ships built under the contract reflect great credit upon American skill and enterprise, I cannot resist coming to the conclusion that the sums now paid are too high, and that the notice should be given. Considering the size and cost of those steamships, and the speed with which the mail is carried, the sums fixed in the contract may have been too low; but however that may be, the present rates are much too high, and such as ought not to be paid. For the mail service between Liverpool and the United States, the English government pay the Cunard line the sum of one hundred and seventy-three thousand three hundred and forty pounds, which computing the pound sterling at five dollars, will make the sum of eight hundred and sixty-six thousand seven hundred dollars. For this sum they have weekly service, the seven steamships which constitute the line running alternately between Liverpool and New York, and Liverpool and Boston, and receiving sixteen thousand six hundred and eighty-six dollars a trip. It is true there is a difference in the tonnage of the Collins and Cunard lines, and that the American steamers make their voyages in a shorter time; but the difference in the tonnage and speed of the two lines does not, in my judgment, afford any valid reason why there should be so marked a disparity in the prices paid by the two governments.

The steamships Humboldt and Franklin, of the New York and Havre line, have both been wrecked during the year. The former was lost in the month of December, 1853, and the latter in July, 1854, in consequence of which the service on that line has been irregular. Temporary arrangements

have been made to supply the places of the lost steamers until suitable steamships can be built to replace them on the line, and such vessels are now in course of construction. Both on this and on the Bremen line, one of the monthly trips has been omitted. These irregularities materially detract from the efficiency of our mail service across the Atlantic.

In September last, the United States Mail Steamship Company having withdrawn their direct steamers between New Orleans and Aspinwall, the mails between New Orleans and the Pacific have since been conveyed, according to the original contract, by the way of Havana. On the Pacific line, the company are permitted to omit Monterey and San Diego by their ocean steamers, and thus expedite the through mails, on condition of their supplying those offices, together with Santa Cruz, Santa Barbara, San Louis Obispo, (if practicable,) and San Pedro, semi-monthly by a coastwise steamer from San Francisco, in due connexion with the through route, without change of pay.

No progress has been made since my last annual report in the pending negotiations with Great Britain, relative to the admission of France into the arrangement as contemplated by the provision in the 12th article of our postal convention. This article provides that "the rate of postage to be taken by the British post office upon letters arriving in the United Kingdom from the United States, either by British or United States packets, and to be forwarded through the United Kingdom to colonies or possessions of the United Kingdom, or of the United States, or to foreign countries—and *vice versa*—shall be the same as the rate which is now or which may hereafter be taken by the British post office upon letters to or from such colonies or possessions, or foreign countries, respectively, when posted at the port of arrival or delivered at the port of departure of the packets conveying the mails between the United Kingdom and the United States.

By this article a similar privilege is secured to Great Britain in respect to letters to and from the United Kingdom, to be forwarded through the United States. But letters and newspapers passing through the United Kingdom, "to and from France" are expressly excepted from the stipulations in said article. The two contracting parties, however, agreed "to invite France to enter into communication with them without loss of time, in order to effect such arrangement for the conveyance of letters and newspapers, and closed mails through the territories of the United Kingdom, of the United States, and of France, respectively, as may be most conducive

to the interests of the three countries." The clause above referred to, excluding the correspondence between the United States and France from the advantages of the convention, was strongly objected to by Mr. Bancroft, who negotiated the treaty on our part, and he was induced finally to consent to it only on being assured by the British government that "the treaty stipulations between England and France rendered its insertion necessary, as without it the latter power would have just cause of complaint against the former." This representation, however, appears to have been incorrect, as Mr. Lawrence, the successor of Mr. Bancroft, was subsequently assured that "France was then ready to negotiate at once, waiving the privileges of the convention which England set up in her behalf." This government, deeming the treaty unequal in its bearing upon the interests of the two countries, particularly on account of the exceptional clause referred to, and being desirous of consummating without loss of time the triple arrangement contemplated by the 12th article, commenced negotiations for that purpose immediately after the treaty was executed; which negotiations have been continued to the present time—nearly six years—without any beneficial result. The British government has steadily declined to unite in effecting such arrangements as would "be most conducive to the interests of the three countries," which arrangements might have rendered the treaty more equal in its operation; and the original terms of the convention still remain unchanged. The more important parts of the correspondence which has passed between the two governments on this subject is contained in Executive Document No. 32, published by order of the Senate at the second session of the 32d Congress. On the part of this Government, it is claimed that the British transit charge for the United States and French correspondence, if sent in closed mails through the United Kingdom, shall not exceed twelve and a half cents an ounce, that being the price paid by Great Britain for the transit of British closed mails through the United States to and from the British American provinces. The lowest offer of the British government is that contained in Lord Palmerston's note of the 9th May, 1851, in reply to Mr. Lawrence's communication of 18th October preceding, of one shilling (twenty-four cents) an ounce—a sum nearly or quite double that received by the United States for similar service. Under a partial arrangement concluded between Great Britain and France in May, 1851, the mails from France for the United States have been forwarded through England as *closed* mails, France agreeing to pay to Great Britain the price de-

manded—viz: a transit postage of one shilling, (twenty-four cents,) and for the Atlantic sea conveyance one shilling eight pence, (forty cents,) an ounce. Prior to that date, the British office was charging and receiving the sea postage on all correspondence between the United States and France, via England, conveyed across the Atlantic by United States steamers, the same as when conveyed by their own packets; the result of which was, that double sea postage having to be paid on all correspondence forwarded by United States packets, the great bulk of the United States and French mails, via England, was sent by the Cunard line. Since the partial arrangement above referred to went into operation, no charge has been made by Great Britain for the sea postage of letters conveyed by American packets; yet under its operation, the single rate of postage between the United States and France, by United States packets, is six cents higher on each letter of the weight of one quarter ounce and under than by British packets; and, consequently much the larger part of the correspondence is still diverted to the British lines. For instance, taking the weight of the French mails received at New York by the Cunard packets to be the same with that received by these packets at Boston, and reckoning four letters to the ounce, the number of French letters brought by the Cunard line during the year was 237,576, while the number received by the Collins steamers, performing just half as many trips, was only 41,608—less than one-fifth. The present treaty in other respects gives an undue advantage to Great Britain, and operates to the serious injury of the United States. Under its provisions, as will be seen by a statement in Appendix A, an excess of at least \$75,000 British postages has, during the last year, been collected by the United States for the British office over and above the whole amount of United States postages collected by Great Britain. This large balance of British postages has been collected at an actual expense of about \$61,000 in the shape of commissions to our postmasters; and this department suffers also the additional loss by exchange, &c., necessary to place the money in possession of the British office in London, of not less than \$3,500. When it is considered that all this outlay is made on our part without receiving any equivalent in return, one of the most striking inequalities of the existing arrangement is pointedly exhibited.

No satisfactory progress has been made since my last report toward effecting a postal convention with France, nor has the contemplated arrangement with Belgium been yet consummated.

Some steps have been taken with reference to a postal convention with Mexico. A mutual exchange of dead letters has already been agreed upon and carried into effect; and I now await a project which Mexico is to propose, for a more perfect arrangement, by which it is expected the rates of postage between the two countries will be materially reduced.

Under our postal convention with Great Britain, the Philadelphia post office, with the concurrence of that Government, has been constituted an office of exchange for United States and British mails. The articles of agreement on this subject are hereto annexed. I regret to state that my proposition for the reduction of pamphlet and magazine postage between the two countries to one cent an ounce on either side has been positively declined by the British Post Department. The combined rate is at present altogether too high, being eight cents an ounce for all works of this kind above the weight of two ounces.

In the month of March last an arrangement was made with the proprietors of the Australia Pioneer Line of monthly packets to convey mails regularly between New York and Port Philip, Australia, at two cents a letter, one-half cent per newspaper, and one-quarter cent an ounce for pamphlets and magazines, and, with the view of affording to our citizens the cheapest practicable means of communication with that country, I have fixed the rates on all outgoing matter by that line at five cents a letter, two cents each for newspapers, and one cent an ounce or fraction of an ounce for pamphlets and magazines, prepayment required. These rates embrace both the United States inland and sea postage. As the United States postage cannot be prepaid on incoming letters by this line, they are treated as ordinary ship letters. Similar arrangements have been made during the year with the proprietors of the steamers *Black Warrior* and *Cahawba* to convey mails semi-monthly between New York and Havana, and New Orleans and Havana, at two cents a letter, and also with the proprietor of the steamship *Jewess* to convey mails once in every twenty days between New York and Nassau, New Providence, returning by way of Havana, at the same rate of compensation.

By these agreements an important point has been gained in sustaining the department in the efforts which should be made in all future arrangements to keep the cost of the ocean service, if possible, within its receipts.

To the appendix (marked A) I invite your particular attention and that of Congress.

It exhibits full statistical information on the subject of the foreign mails; embracing the amount of postages, inland, sea, and foreign, on mailable matter received and sent by the different mail steamship lines during the year; the amounts of letter postages on British, Prussian, Bremen and Havre mails; the portion thereof collected by the United States, Great Britain, Prussia and Bremen, respectively; and the amounts of unpaid and paid matter received and sent by each of the lines of mail steamers. The gross and net revenues received by the department from each of the trans-atlantic mail lines are shown, and also the revenue derived from the correspondence with Great Britain, Prussia, and Bremen, respectively, under the existing postal arrangements with these countries, both including and excluding the United States inland postage. It also shows the number of letters and newspapers exchanged during the year between the United States and Great Britain in British mails, between the United States and Bremen in *Bremen* mails, and between the United States and the Kingdom of Prussia in closed mails; the number of letters (*in ounces*) received and sent in closed mails under each of our closed mail arrangements, and the number of letters and newspapers conveyed by the several home lines of ocean steamers. Other valuable statistics connected with the foreign mail service are also fully stated.

The usual report of fines and deductions will be duly furnished for the information of Congress. These fines and deductions for the year ending the 30th June, 1854, amount to \$110,486 59. The amount for the previous year was \$37,920 31. The increased amount has been mainly caused by a more rigorous exaction than heretofore of forfeitures incurred for defective service. The aggregate amount of fines and deductions for the last year has thus been greatly increased.

I am pleased to say that the introduction into the post offices of a better system of responsibility for mail bags has resulted in checking the waste of this species of property. The consequence has been a decrease of twenty per cent. in the number of letter mail bags procured during the year ending 30th of June last, as compared with the preceding year; though the ordinary increase in the transportation of letters has required the use of a greater number of bags than were actually used before.

My assistants and chief and other clerks have faithfully attended to all their duties during the past year.

JAMES CAMPBELL.

To the PRESIDENT.

VI.—THE INTERIOR.

REPORT OF THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
December 4, 1854.

SIR: I have the honor to submit the usual annual report of the operations of this department.

The business of the General Land Office has greatly increased, but has been conducted with vigor and ability.

The surveys of the public lands have progressed rapidly, and the necessary preparations, so far as appropriations will permit, have been made for extending them into new Territories.

The quantity of land in market has been largely augmented, and every facility given to the hardy pioneers to secure eligible and permanent homes.

The adoption of the graduation principle introduced into the land system a novel and important feature, and stamped it with a character almost entirely new. The labor on the part of the bureau produced by it is immense, and has involved the office in difficulties that cannot be easily or effectively surmounted without the further aid of Congress. The law may be so modified as to preserve its distinctive features, relieve its provisions from the uncertainty that now attaches to them, and at the same time more effectually accomplish the grand object to be attained. No doubt the intention was to aid and protect the actual settler, and not promote the schemes of mere speculators. This being assumed, the law, according to the plausible construction of the latter, will be found lamentably defective. It could not have been enacted to subserve their interests at the expense of those seeking permanent residences; and yet, unless it be more strictly guarded, its provisions more clearly defined, and its objects more fully declared, it is feared such will be the result.

During the last fiscal year, 11,070,935 acres have been surveyed, and 8,190,017 acres brought into market. Within the same period there were sold for cash..... 7,035,735.07 acres. Amount received therefor, \$9,285,533 58.

Located with military scrip and land warrants..... 3,416,802.26

Swamp lands, selected for States.....	11,033,813.53	acres.
Selected on donations for roads, &c.	1,751,962.19	

Making a total of 23,238,313.05 acres; exhibiting an increase of 5,952,240.07 acres over the previous year, of lands sold for cash; and a sensible diminution in the amount located with scrip and land warrants, and selected for States.

The quantity of land sold during the second and third quarters of the present year was about 5,436,538 acres, being an increase of about 3,826,619 acres (in cash of \$3,642,496 44) on that of the corresponding quarters of the last year. This extraordinary difference is owing to the remarkable advance in the price of real estate over the whole country, and to the operation of the law graduating the prices of the public lands.

The quantity of land granted to satisfy the warrants issued to soldiers of all the wars since 1790 amounts to 31,427,612 acres. To satisfy Virginia land warrants, scrip embracing 837,356 acres has already been issued, and the balance yet required is estimated at about 200,000 acres.

In my last annual report donations of public land for the construction of great leading highways in the new States were recommended, for reasons therein stated. Although nothing has since transpired to change or modify the views then entertained and advanced by the department, yet it would be folly to attempt to conceal the fact that, through the popularity of the scheme, the apparent prospect of being able to prostitute it to mere purposes of gain has induced many projects which are totally unworthy of public confidence.

It may therefore be difficult, under existing circumstances, to discriminate between those worthy of governmental aid and those urged for mere speculative purposes. But if the application proceeds from the legislature of the State in which the improvement is contemplated, and, upon a thorough examination and rigid scrutiny, it is found to be promotive of the development of the country and the enhancement of the value of the adjacent lands, there can be no reasonable objection to the grant.

By confining it to the land in the vicinity of the projected thoroughfare, restricting the amount at any time to be patented to the construction and completion of a given number of miles of road, and throwing such guards around the grant as legislative wisdom may devise, there can be little danger of the donation being improperly used.

The applications to Congress at its last session contemplated the construction of 5,056 miles of road, (exclusive of the great Pacific railroad and its branches,) and assuming six sections to each mile of road, would have required in round numbers twenty millions of acres.

In compliance with the urgent solicitations of the representatives of the several portions of country where these contemplated improvements were to be made, large bodies of land, estimated at about thirty-one millions of acres, were withdrawn from market in anticipation of the grants being made; but this not having been done, the lands were restored to market immediately after the adjournment of Congress.

The withdrawal of lands from market under such circumstances, was found, on examination and reflection, obnoxious to several objections, viz: Its effects in retarding the settlement of the country, its questionable propriety, the difficulty in discriminating between cases in which it should be done and those in which it should not, and the injury that might be inflicted upon the section of country the proposed grant was intended to benefit, by turning the tide of emigration elsewhere. For these and many other equally obvious reasons, it was determined that there should hereafter be no reservations for such purposes until grants are actually made by Congress.

The department would reiterate its recommendation that officers connected with the survey and sale of the public lands be prohibited, under severe penalties, from becoming purchasers.

Such is the general rule in regard to ordinary agents and auctioneers, and it is essential that it should be applied here. Experience shows its absolute necessity.

After the passage of the act of 1850, granting the swamp and overflowed lands to the several States in which they lie, many of them were entered at the government land offices, and now the purchasers claim their patents, and are equitably entitled to them. It is therefore recommended that, with the concurrence of the respective States in which the lands are situate, the patents be issued; and that where the land was sold for cash, the money be paid to the State in which the land lies; and where it was located with scrip or land warrants, the proper State be authorized to enter the amount of land so located from the public lands in that State subject to private entry. As the lands belonged to the respective States from the date of the act, this will be the most equitable and perhaps satisfactory manner of settling the difficulty. Some mode should be speedily devised to relieve the general

government, the States interested, and innocent purchasers, from embarrassment.

It will be necessary again to extend the time for the completion of the work of the commission to ascertain and settle the private land claims in California. It expires on the 4th of March next; and if the time is extended, it is desirable that it should be done sufficiently early in the session to enable the department to advise the commissioners to continue their labors. Notwithstanding the indefatigable exertions of the commissioners, their labors cannot, with a due regard to the public interests, be closed within the time allotted.

The whole number of claims presented is 813. Of these, 72 were adjudicated by the old board, which was constituted in September, 1851, and 325 by the new board, appointed in April, 1853. Of the 397 claims thus adjudicated, 294 were confirmed for 736 square leagues of land, and 103, covering 383 square leagues, rejected.

Transcripts have been forwarded to the Attorney General in 295 cases, and duplicate transcripts in 202 cases to the proper courts, as required by law.

The recorded depositions of witnesses, decisions of the board, original Spanish documents, translations, and the daily proceedings of the board, cover, in all, 6,749 pages, equal to about 41,492 folios. It is estimated that there is at least as much more of this kind of clerical work to be done.

I append hereto a copy of the most recent report received from the commission.

Since the new classification and reorganization of the Pension bureau, it has been conducted with much order and regularity. There is no unnecessary delay in deciding the applications presented, and every attention is given them that can be desired.

The fact was before noticed, that the pension act of 3d February, 1853, did not cover the cases of widows of officers, non-commissioned officers, marines, and mariners, who served in the navy during the revolutionary war. Congress at its last session overlooked it; and as the omission was clearly accidental, it is proper it should be again presented for consideration. The widows of seamen who die in service in time of peace are entitled to pensions, which are withheld from those of officers and soldiers of the army. There is no reason for this distinction. It is supposed by some that a fund is raised, for the purpose, by the seamen themselves, when in service; but this is an error. Both stand upon the same footing and have like claims, the pension being a gratuity in either case.

Great inequalities exist in the pension laws, and in their operation. The evil is of so absurd a character in many instances as to be exceedingly annoying and mortifying, as well as unjust. Of those that might be adduced, it is presumed that a single one will be sufficient to attract proper attention to the subject. A seaman, a marine, and a private soldier of the army, may be engaged in the same battle, and all alike totally disabled. The seaman, by existing laws, will receive three dollars, the marine six dollars, and the soldier eight dollars per month. The disability and all the attending circumstances being the same, there should be no such gross disparity.

There has been, within a few years past, a large increase in the aggregate amount of pensions paid, much of which is owing to the departure from the original design of the pension policy. The intention of its first projectors was to relieve the wants of those who, having served their country faithfully, and hazarded their lives and fortunes for its freedom and happiness, were destitute. Now it has become general, and has been more and more enlarged every year, until it has grown into a stupendous system. At an early period of our history it was considered derogatory for any one, however meritorious, to accept the gratuity even when tendered by the government, unless in needy or indigent circumstances. A different sentiment, however, has now obtained, and the purest, best, and most honorable of our citizens do not refuse it.

There can be no well-founded objection to this, so long as the law remains as it is. But, considering the small pittance (often, under existing laws, only one dollar and fifty cents or two dollars per month) doled out to the indigent soldier, his widow, or minor children, it is a question worthy of consideration, whether humanity does not demand that the system be so modified as at least to approximate the principle established by its founders, to increase the amount bestowed upon those whose merits and circumstances entitle them to aid, and to give to them, if nothing more, such substantial relief as sound policy will permit. By adopting such plan, and cutting off all arrearages of pensions, the great evil of the system may be remedied.

The Third Auditor of the Treasury executes several acts of Congress giving half-pay, for five years, to widows and orphans of officers of the army. These acts being of the same general character as others executed by the Commissioner of Pensions, and the same principles of construction applying to both, there is a manifest propriety in conferring

the whole power upon the Pension bureau, and thereby preserving uniformity in the decisions.

A biennial examination of invalid pensioners, to detect fraud and prevent imposition, was recommended to the consideration of Congress, but not authorized. It is a remarkably striking fact, that of the large and entire number on the invalid pension roll, with recently two honorable exceptions, there appears never to have been any diminution of the disability, but frequently an increase. Besides, the Pension bureau, crippled as it is for means, has discovered many instances in which palpable fraud has been perpetrated, and gross deception practised. As the imputation of guilt may fall upon the innocent as well as the guilty, it does seem proper that authority should be given the Commissioner of Pensions, on satisfactory proof of the commission of such offence, to reduce the pension where the disability has decreased, and to strike the name of the pensioner from the list where it has ceased. The Commissioner may safely be clothed with this power; for, besides subserving the interests of the public, it will protect from unjust aspersion the honest and worthy pensioner.

The department would again earnestly recommend a modification of the act of Congress limiting to two years prosecutions for perjury and forgery committed in pension and land-warrant cases. Why should the criminal escape, when the offence owing to the ingenuity of the offender, is concealed until the time for his prosecution has elapsed? With all possible vigilance this cannot be avoided. The cunning and duplicity of the persons engaged in the commission of such offences are wonderful; still, many have been detected through the watchfulness of the Pension bureau. Up to the 30th of September last, thirty have been indicted; of whom eleven have been convicted, nine fled and forfeited their recognizances, one died, one committed suicide, two have eluded the officers, and six await trial. Others have not been prosecuted, owing to the limitation referred to, and in several aggravated cases the statute has been successfully pleaded. The pertinacity and success of the Pension bureau in pursuing the offenders have perceptibly diminished the offence, and with enlarged power it may probably be totally checked. The limitation operates as an incentive, and is in effect a bounty to the ingenuity and cunning of the felon.

By examining the reports of the able and efficient chief of the Pension bureau, the necessity of a thorough revision of the pension laws will be apparent. Justice to those entitled to pensions, as well as sound policy and true economy, de-

mand it. With a judicious, well-arranged system, the government could diminish the expenditure, give more satisfaction, and do a vast deal more good than is now practicable.

By the act of Congress approved March 3, 1853, this department was authorized to designate three clerks of the fourth class to act as disbursing clerks, and to allow each of them two hundred dollars additional for their services as such. With a view, however, to concentrate the responsibility, and the better to preserve uniformity in the disbursement of the public money, it was deemed best to employ but one disbursing clerk, who, with the aid of two or three assistants of lower grades, should constitute a financial division of the department, where the salaries of all the officers of the department and its bureaus, and all contingent and other bills, should be paid and all requisitions drawn for the advance or payment of public money. So far the plan has worked admirably well, and it cannot fail to be highly beneficial.

Prior to the commencement of the last fiscal year, (July 1, 1853,) no ledgers or other books had been kept in the department, from which the state of its various appropriations, and the amounts in the hands of agents, could be ascertained without resort to those kept by the treasury.

The proper books were therefore provided, and a system devised, to supply this important defect; and now the balance to the credit of any appropriation can be readily ascertained, and payments or advances made as the public service requires, or the means at the command of the department will admit.

The adoption of this plan has enabled the department to ascertain and correct what it conceived to be a mischievous practice, viz: the undue accumulation of public funds in the hands of officers who act as disbursing agents.

On the 31st of March, 1845, there was in the

hands of pension agents alone the sum of....	\$1,041,495 79
On the 31st of March, 1846, the sum of.....	681,786 84
On the 31st of March, 1849, the sum of.....	950,918 25
On the 31st of March, 1850, the sum of.....	748,900 37
On the 31st of March, 1853, the sum of.....	948,475 80

As constituting this sum in part, the agents had, under some acts, enough money to meet their estimated demands for several years, and they were required to repay it into the treasury, which has been done in the adjustment of their accounts.

During the last fiscal year, advances have been made to pension agents, with strict reference to carefully-prepared estimates of the amounts necessary to meet probable de-

mands upon them, and by this course the amount in their hands has been reduced from \$948,475 80 on the 31st of March, 1853, to \$393,801 20 on the 30th of June last.

No difficulty has existed in procuring agents to pay pensions. On the contrary, such offices are sought after with as much eagerness as others; and from the large amounts it has been heretofore customary for them to have on hand, it is not doubted but that they have been fully compensated for their services.

The Mexican boundary survey is presumed to have been recommenced in the field, and no doubt was entertained of its completion, under the accomplished officer at its head, within the time and amount estimated; but recent intelligence from the commission has reached the department which may render a further appropriation necessary.

An appropriation of \$10,000 will be required to complete the maps and drawings of the previous survey. The whole estimate for this purpose was \$20,000; but as \$10,000 was all that could be economically expended during the fiscal year, that sum only was asked for.

The boundary line between the United States and the British provinces in the northwest, as designated in the convention of June, 1846, deserves attention. That part, especially, which separates the Territory of Washington from the British possessions, should be traced and marked. As the British government is understood to be ready to co-operate, there should be no delay on our part.

The Territory of Washington is in process of settlement, and difficulties have already arisen in regard to the extent of the rights of the Hudson's Bay and Puget's Sound Companies, and the interests of many of our citizens are being involved in the controversy. As yet, not very much value has attached to the country, and it is a question of moment whether it is not the wisest policy to settle these claims at once. They can probably be extinguished for a reasonable consideration; if so, it should be done.

The Patent Office is in excellent condition; and the manner in which its affairs are conducted gives universal satisfaction. Still, the character of the force, as now authorized by law, is not such as to attain the accomplishment of all that could be desired. By adopting a new arrangement, the result of urgent necessity, the Commissioner has despatched more than the usual amount of business. Instead of six principal examiners, with two assistants each, there have been practically, since the first of April last, eleven princi-

pal examiners, each with one assistant. Thus, instead of the usual tedious delays, most of the work is up to date.

Since the first of January last there have been issued upwards of sixteen hundred patents; and within the year, the number will probably reach nineteen hundred, which will be about double the number issued during the last year. The arrangement by which this result has been produced was judicious, and has proved satisfactory to all parties interested.

Several amendments to the patent laws were suggested last year. Those of most immediate and pressing necessity are, provision for taking testimony, appeals, and prescribing a new rate of fees. Many questions of great importance are frequently pending before the Patent Office, depending, for a correct decision, upon the testimony of witnesses, and there is no power provided of compelling them to give it. Nothing is more common than for a witness to refuse to attend an examination, or to give testimony after he has attended.

The law now allows any person who appeals from the decision of the Commissioner of Patents to select which of the three judges of the circuit court of the District he chooses before whom to bring his appeal. The chief justice of that court will probably never again be able to entertain an appeal, so that taking an appeal before him is tantamount to its postponement during the term of his natural life; and even after his death there may be some question whether the delay will be at an end. By such an abuse of the law a case has been suspended in this manner for nearly two years, and may be continued for an indefinite period.

The rate of fees was fixed at a time when the real value of money was much greater, in proportion to its nominal value, than at the present time. The pay of the employees in the office has been much increased by Congress, and in various other ways its expenses have been largely augmented, whilst the fees have remained the same. In addition to this, the force of the bureau has been considerably increased in order to dispose of the accumulation of business. From all these causes, the inevitable consequence has been, that during the current year the expenses of the office have been continually exceeding the revenue, and such will continue to be the case until the increase of the revenue shall have been provided for.

Such a re-organization of the examining corps as will place all its members on a proper footing, is a subject worthy of consideration. The assistant examiners who are performing the duties of principal examiners may justly expect, at

no distant day, the compensation attached to those duties and responsibilities.

The Attorney General should be clothed with supervisory power over the accounts of the marshals, clerks and other officers of the courts of the United States, now possessed by this department. It is germane to the other powers intrusted to him. A law department should, for many obvious reasons, be constituted. Properly organized, it would be very advantageous to the other departments of the government, and at the same time introduce many radical and salutary reforms in our judicial expenditure.

The salaries of most of the judges of the district courts of the United States are inadequate. Their duties are arduous and important, and constantly increasing. The professional ability, knowledge, and qualities required for their faithful discharge, would insure a much larger compensation at the bar. In many of the districts the clerks and marshals, who perform comparatively little intellectual labor, are far better remunerated for their services. A respectable support should be given to men who cannot, on account of the positions they occupy, engage in any other profession or avocation. The preservation and perpetuity of our most valued institutions depend, to a great extent, on the purity, firmness, and independence of the judiciary, and these qualities should be nurtured and encouraged.

Much ambiguity exists in the act of 1853 as to the discretionary power of the Secretary of the Interior over the expenditures of judicial officers, and for judicial purposes. In several instances judges have presented for allowance bills for law-books purchased by them, which were disallowed. The district attorneys have frequently asked that offices and furniture be provided for them, which has generally been refused, the rule being to allow office accommodations when, at particular places or in large cities, the government is compelled to make provision for the courts by renting buildings, and rooms can be spared without inconvenience, but not otherwise. In other cases, marshals have exceeded the limit prescribed by the statute in the purchase of furniture, where the assent of the Secretary of the Interior is made a condition precedent to the expenditure, and the department has refused to allow such accounts, on the ground that the prerequisite approval had not been obtained, and it was doubted whether he then had the power to legalize an act manifestly illegal. In all such cases it has been contended, by intelligent and experienced jurists and lawyers, that such allowances are proper, and that the power has been conferred

on the department, and they feel aggrieved that it is not exercised. Not disposed in the slightest degree to wrong men whose opinions are entitled to so much weight, I hope Congress will, in the next appropriation for the expenses of the United States courts, indicate their opinion on the point in issue, and relieve it of all doubt in the future.

Some time after I entered upon the discharge of my duties, I observed that many inquests were held in the city by the coroner, and found that the sum of \$9,800 had within the last four years, been drawn from the treasury to defray the expenses. Believing these expenditures to be unauthorized by law, I sought the advice of the Attorney General, who, in an elaborate opinion, having concurred with me, all further payments were discontinued.

In June, 1853, on the question being presented on appeal, I was of opinion that the clerk of the United States courts in this District was, by the 167th paragraph of the act of 1842, obliged, as other clerks, to make a report of his fees and emoluments, embracing those of the criminal court. As a contrary view had been taken by one of his predecessors, I submitted the question to the Attorney General, who, upon a thorough examination, came to the conclusion that such was his duty. From his reports, since made, after making large allowance for expenses, his fees and emoluments in the five years ending the 31st of December last were \$29,986 48, being an excess of \$12,486 48 over the maximum allowed by law, which will be refunded. There is not even a plausible pretext for his being made a solitary exception to a rule applying to the clerks of all the other United States courts.

By existing laws, the costs of all criminal complaints made before the magistrates of this District, whether the complaint is sustained or not, are paid by the general government. This item, for the last fiscal year, amounted to upwards of \$10,500. The power should surely be conferred upon the magistrate or court to compel the complainant to pay the costs in all cases where the magistrate or court may deem the prosecution unfounded, frivolous, or malicious. This may be the means of preventing the institution of many prosecutions in which the public have no interest.

The judicial expenses of the United States are largely on the increase. To some extent this is natural, and many causes contribute to it; but some exist which seem to be unnecessary, and should therefore be removed. A pre-eminent one is believed to be, the great number of terms and places at which courts are held.

Two hundred and twenty-three terms of the United States

courts (exclusive of the Territories) are held in eighty-eight different places during each year. In the western district of Virginia, courts are held at six different places; in the northern district of New York, at eight; in California, at six; in Louisiana, at six; and in Florida, at five. It is well to inquire whether the judicial business transacted justifies the expense in these and other instances. Were there but one or two places only, in each State, for holding the United States courts, there would be many obvious reasons in favor of constructing suitable buildings at those points for their exclusive use, so as to make them entirely independent of the State, county, or other local authorities; such buildings, and everything connected with the federal courts, being assimilated, as nearly as practicable, to those of the State courts.

The accompanying report from the First Comptroller of the Treasury contains suggestions on this and other kindred subjects which, emanating from such a source, deserve, and will no doubt receive, the proper consideration of Congress.

In pursuance of the separate resolutions of the two houses of Congress passed at the last session, the Superintendent of the Census has prepared, with much labor and ability, a Compendium of the Seventh Census; and the required number of copies is ready for delivery. This has nearly exhausted the appropriation for census purposes, a small amount only remaining unexpended. The matters to which his attention was directed being completed, the Superintendent has tendered his resignation to take effect in the course of the present month, and the office has been discontinued.

Many public improvements are required in the District of Columbia, which can be constructed at this time without the expenditure being seriously felt by the treasury. In such a city, certain objects of magnitude are to be accomplished, which are beyond the reach of the citizens alone. Nothing can be lost by exhibiting a generous spirit of liberality, the more especially where important interests of the government are thereby promoted.

The erection of fire-proof buildings is absolutely necessary for the safety and security as well as the convenience and accommodation of the State, War, Navy, and Interior Departments. No city can be more exposed than this to fire, and none are in possession of fewer means to extinguish it. When there is such a surplus lying dormant in the treasury, what good reason can be assigned for permitting millions of public property to be constantly exposed to imminent danger without an effort to protect it? The

rents paid for additional buildings, although large, are trifling in comparison with the irreparable loss that would accrue from the occurrence of such a calamity. If the money is not thus expended, may it not be applied to purposes of less importance to the American people?

The appropriations made for the present fiscal year for improving and ornamenting the public grounds were too small and too limited. With a view to the comfort, health, and beauty of the city, the admirable plan of Mr. Downing should be rapidly pressed to completion. It is impracticable to prosecute it vigorously without additional means. If liberal appropriations were made, as well as provision for the employment of a skilful and intelligent landscape gardener, all the public grounds might soon be made to assume a beautiful appearance. The portions cultivated and improved are certainly very creditable to the action and taste of Congress; but the remainder, in their present condition, are not only offensive to the eye, but well calculated to generate disease in the city.

The force employed upon the public grounds should be differently organized and arranged. There should be a controlling spirit at the head, who would direct and distribute the subordinates and laborers; and the salaries of the officers, instead of being paid at the discretion of the department, should be fixed by law.

The lots in the city belonging to the general government are now sold by the Commissioner of Public Buildings, and the proceeds expended for the improvement of the streets, nothing going into the treasury. The propriety is suggested of selecting such as may be necessary for the public use, and turning over the balance to the city authorities, to be exclusively devoted by them to the purposes of education. This would relieve the department from all embarrassment in connexion with them, prevent private individuals from obtaining them on *ex parte* statements for a mere trifle, and would benefit a most worthy class of people.

Under the appropriation of fifteen thousand dollars for completing the Little Falls bridge, a contract has been entered into for erecting on the stone abutment and piers already built two spans of wooden bridge, in length three hundred and twenty feet. The plan adopted is known as "Howe's Truss," combined with arches, and the structure is to be capable of sustaining a test-weight or load of one ton for every foot in length. To make it available for travel, an inclined timber roadway will be constructed, to lead from the river-bottom, which is dry at low water, up to the roadway

of the bridge. This part is liable to be carried away by the spring freshets, but can be replaced at a comparatively small cost. The whole will be completed by the 15th inst. To finish the bridge as originally proposed, would, according to the estimate of the engineer in charge, cost seventy-five thousand dollars more. If appropriated, the department will endeavor to expend it judiciously and with frugality.

The erection of the buildings for the National Hospital for the insane has been prosecuted with great energy, and strictly with an eye to utility and economy. It was supposed that ere this it would have been ready to receive inmates; but, on reflection, it was concluded best to defer its occupancy until the erection of permanent appendages, which otherwise must have been temporary, and, in the end, far more expensive. The present intention is, to receive the patients of the District—now under the care of the Maryland Hospital and Mount Hope Institution at Baltimore—on the first day of January next. It is probable the present edifice will be completely finished and in readiness for occupation on the 30th of June next. It will then accommodate eighty-five patients, with the usual proportion of officers, attendants and servants. There are now twenty insane persons belonging to the army and navy establishments, and fifty-three indigent insane, in the Baltimore institutions, supported by the government; and eleven are detained in the jail in this city: so that it appears there are already eighty-four who will be entitled to the benefits of this institution according to its original design. It is conceived that no project can commend itself more favorably to the attention of Congress. To make it a model institution of its kind should be the determined effort of the government. This can be done, with the aid and experience of the present excellent superintendent, at a small cost, compared with our other public buildings and similar structures in many of the States.

The penitentiary of the District, although conducted with care and rigid economy, is considerably in debt. In 1846 a special appropriation of \$11,949 64 was made, in addition to the annual appropriation for its support, and to meet as is supposed, the then existing indebtedness. It proved to be insufficient, however; for, though the appropriation for the next ensuing year was about double the ordinary amount provided, an indebtedness is still reported to have existed on the 31st December, 1847, of \$1,055 15, which continued annually to augment until the present warden took charge of the institution, on the 8th June, 1853, when it amounted

to about \$12,000. Collections and payments have been since made, which enabled him to reduce this indebtedness to about \$7,000, which the institution has no means of paying, as no further collections can be confidently relied upon. Soon after the present warden was appointed, he was instructed to abandon the credit and adopt the cash system, which has thus far had a salutary effect. He is now anxious that an appropriation should be made to enable him to pay off the indebtedness for which he is in nowise responsible.

It is necessary to increase the number of guards and employees about the penitentiary, as the duties to be discharged are entirely too onerous for those now engaged. In 1849 there were forty convicts incarcerated in it, to guard whom there were nine persons, including the messenger. In 1853 there were one hundred convicts imprisoned, and only eight persons to guard them. That an additional number is required admits of no doubt.

In the increase of salaries to officers and clerks of the different departments, by a late act of Congress, no notice was taken of the chief clerk of this department, whose duties are as arduous and of as important a character as those of the assistant secretaries of the other departments. These assistants receive each \$3,000 per annum; he only \$2,200. No such invidious distinction should exist between them. Justly appreciating the value of his services, I have no hesitation in recommending the increase of his compensation, and that he be made ex-officio assistant secretary in the absence of the Secretary from the department.

Temporary clerks, when necessary, are employed under the act of 26th August, 1842, and paid for every day of actual service. The act of 22d April last requires their compensation to conform to that of regular salaried clerks performing similar duties. A modification of these laws is suggested, so that the temporary clerks shall hereafter be paid by the folio, or piece, as in the Patent Office. This would tend to prevent partiality, and encourage and reward the expert, industrious, and experienced.

Within the year fourteen treaties have been entered into with the Indian tribes. The most important have been concluded with the Omahas, Ottoes, and Missourias; Sacs and Foxes of Missouri; Iowas, Kickapoos, Delawares, Shawnees, Kaskaskias and others; Miamies, and the Menominees. Vigorous efforts have been made, and are still being made, to execute in good faith all the provisions and stipulations to be performed on the part of the Government, and the Indians seem desirous of strictly conforming to their respective

engagements. The appropriations to carry these treaties into complete effect were made at so late a period, that it was found impracticable to accomplish all that was designed. In these treaties the Government adopted a liberal policy towards the Indians; and if it is pursued and prosecuted efficiently, it must lead to most beneficial consequences. The principal thing to be feared is, that the poor, ignorant, unlettered, and inexperienced Indians may be brought into too close contact with the whites, which generally degrades them, because they seem inclined to contract their evil habits, instead of imitating their virtues.

The annuities are abundantly sufficient for all legitimate purposes. A large portion of them should be devoted to the improvement of their moral condition. Ample provision should be made for educational purposes. The missionary establishments among them, which have been very successful in converting many to Christianity and reforming and civilizing them, should be fostered and encouraged.

There is a provision in some of these treaties of grave importance, and requires prompt attention. One of the stipulations with the Delawares, as well as Iowas, and the confederate band of Kaskaskias, and others, requires that the land ceded by them (except the Delaware outlet) shall, after survey, be offered at public sale, and sold to the highest bidder; and such portions as may not be sold at public sale, shall be subject to entry at one dollar and twenty-five cents per acre for the term of three years; after which Congress may reduce the price of the residue unsold. The expense of surveying, managing, and selling the land is to be deducted from the proceeds of the sales, and the balance paid to the Indians.

The Government is bound to preserve these lands from all such trespass and intrusion as will interfere with a *bona fide* compliance with this treaty stipulation. If, as is now the case, intruders occupy these lands, and more especially with a view of making permanent settlements, and effectually preventing the governmental authorities from executing this stipulation, they should be promptly ejected. The duty of the Government is clear, and justice to the Indians requires that it should be faithfully discharged. Experience shows that much is gained by sacredly observing our plighted faith with these poor creatures, and every principal of justice and humanity prompts to a strict performance of our obligations.

The better to protect the interests and promote the welfare of the Indian tribes, between whom and the United States treaties exist, instructions have been given requiring the

agents and sub-agents to reside within the limits of their respective districts, and to make, through their superintendents, periodical reports, in detail, of their operations.

Many of the Indian tribes are doing well, and their condition is daily improving; whilst others are rapidly deteriorating, and constantly assuming a more dissolute and degraded character. The aggregate number is fast diminishing, and some of the tribes whose numbers in former days were large, and whose prowess was great, are now nearly extinct. Notwithstanding the unremitting efforts of the department, it seems impossible effectually to prevent the introduction of ardent spirits amongst them. The facility with which the use is acquired, and the misery and destitution which are its inevitable consequences, are matters of deep concern and regret. The abolition of the system of cash payments, which is being accomplished as rapidly as practicable, will lessen the quantity consumed, as it directly interferes with the interests of the vendors. The traders, who have on this account a most potent and controlling influence over the Indians, are generally opposed to the change in the mode of payment, and have seriously embarrassed the efforts made to effect it.

The crops of many of the tribes who have been induced to till and cultivate the soil have, from the continued drought, partially failed. As the quantity of breadstuffs and provisions usually produced affords, at best, but a scanty subsistence, their wants and necessities will be materially increased. As they may be exposed to much suffering during the coming winter, instructions have been given to reserve a portion of their annuities, to avert, as far as practicable, that calamity. Every effort will be made to relieve them; and it is expected the agents will not be remiss in faithfully discharging the duties incumbent upon them under such peculiar circumstances.

The hunter tribes have lately exhibited more than their usual boldness and desperation. The limits of their hunting grounds are being rapidly reduced, and the buffalo and other game are fast diminishing, so that they are driven by stern necessity to theft or starvation. In consequence of this, the frontier settlements and the emigration to California and Oregon have been much exposed and harassed. The military force at the command of the War Department is small, and, although active and vigilant, has not been able to give that protection to our citizens which is so much required.

Perhaps the only course that can be pursued to reclaim these

tribes, and prevent their depredations upon their innocent, and in many cases defenceless victims, is, to make liberal appropriations for their colonization and civilization. Colonization was, many years ago, partially tested in California, and the recent trial, it is hoped, will prove successful. There is every reason to believe the plan a good one, if those intrusted with its execution have the proper aptitude and qualifications. Few possess the qualities necessary to the useful discharge of the duties of an Indian agent, and fewer still the properties required to carry out skilfully and successfully such a system. If this last hope fails, their extinction appears to be inevitable. Such should not be the destiny of this unfortunate race, if it can be averted by the power of this Government. Some are impressed with the idea that the only successful way of treating them, and preserving the relations that should exist between them and the Government is to chastise and punish them whenever they err; but, in my judgment, kind treatment in most cases will subserve a far better and more useful purpose, and eventually lead to more desirable results. The whites who mingle with, or live contiguous to them are not always blameless. Often, to their mischievous conduct may be traced the most brutal and distressing depredations of these children of the forest. Kindness has operated wonderfully on some tribes, and why should it not succeed with others? Colonization might be attempted in the Territories of New Mexico, Utah, Oregon, Washington, and the country immediately east of the Rocky mountains. The object should be twofold, to domesticate and isolate them as much as practicable from the white settlements. The arts of civilized life should be introduced, and, if possible, a settled form of government established among them. To effect this, large appropriations would be requisite; but how could money be expended more charitably or appropriately than in this great cause of humanity?

I have the honor to be, very respectfully, your obedient servant,

R. McCLELLAND,

Secretary.

The PRESIDENT.

VII.—THE PUBLIC LANDS.

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE.

GENERAL LAND OFFICE,
November 30, 1854.

SIR: I have the honor to submit the following report of the operations of this office for the fiscal year ending June 30, 1854, and for the third quarter of the current calendar year.

From the 30th September, 1853, to the 30th September, 1854, 9,384,464 acres were surveyed, chiefly in Wisconsin, Iowa, Minnesota, and Florida, and 8,190,017 acres were brought into market. This is exclusive of the surveys in California, Oregon and Washington, amounting to 1,686,471 acres, which have not yet been proclaimed for sale, for the reason that those in California could not be disposed of till the private claims and pre-emptions in that State had been adjusted; and no provision was made by law for the ordinary sale of lands in Oregon and Washington till the last session of Congress. As soon as it can be done with a due regard to outstanding claims, these lands will be brought into market in the same manner as those east of the Rocky mountains.

During the fiscal year ending the 30th June last, there were—

	Acres.
Sold for cash.....	7,035,735.07
Located with military warrants.....	3,402,620.00
Located with other certificates.....	14,182.26
Making a total of.....	10,452,537.33
In addition, there were reported—	
Under swamp-land grants.....	11,033,813.53
Internal improvements, railroads, &c.....	1,751,962.19
Making an aggregate of.....	23,238,313.05

For the quarter ending September 30, 1854, there were—

	Aeres.
Sold for cash (part estimated).....	2,894,306.00
Located with bounty-land warrants.....	388,360.00
Making a total of.....	3,282,666.00
Reported under swamp-land grant.....	1,496,962.57
Making an aggregate of.....	4,779,628.57

This shows an increase in sales for the last fiscal year over the preceding of 5,952,239.86 acres; and although the aggregate disposed of was less than that of the preceding year by over 2,000,000 acres, the difference was caused by the fact that the most of the grants for bounty land, swamp, railroad, &c., had previously been disposed of.

The sales for the third quarter of the current calendar year are more than twice as heavy as those for the corresponding quarter of the previous year, though the locations are less numerous, for similar reasons to those above given.

During the year ending the 30th September last, 120,784 patents under the various laws were written, exclusive of the swamp-land grants, and 111,158 were recorded, occupying 224 folio volumes; 429 manuscript patents were also written and recorded, covering 851 pages, or nearly two folio volumes.

	Tracts.
Of certificates of purchase there were posted.....	106,279
Declaratory statements.....	17,806
Land-warrant locations.....	50,324
Selections for internal improvements.....	13,473
Swamp-land selections.....	93,362
Equal to.....	281,244

The following accounts were also adjusted, to wit:

Of receivers of public money.....	486
Of disbursing agents.....	402
Of refunding accounts.....	508
Of surveyors general and deputy surveyors.....	333
Of publishers of newspapers.....	277

Equal to..... 2,006
accounts, and occupying four large folio volumes of records. 125 lists of swamp-land selections, covering 2,920 pages, and 4 lists of railroad selections, covering 348 pages, have been received and acted on.

508 Virginia bounty-land claims, filed for the issue of scrip under the act of August 31, 1852, have been examined, of which 373 were allowed, 62 rejected, and 73 suspended. 4,043 pieces of scrip were issued, amounting to 292,195 acres; and 190 claims were filed, calling for 90,342 acres. 2,806 pre-emption claims under the several laws have been examined and settled, and the voluminous correspondence therewith connected promptly attended to.

26,617 letters have been received and registered, the registry covering 3,659 pages, or 7 volumes of large folio record; and 24,279 letters were written, filling 15,473 pages, or 31 volumes of record.

6,684 packages, exclusive of letters, have been transmitted, and the seal of the office attached to 51,000 patents, copies, &c.

It will thus be perceived, that, on an average, full one-third more business has been done in the office during the past year than in the preceding; and although more assistance has been furnished for part of the current year than formerly, the gentlemen in the office, heads of divisions, and others, who cordially co-operated in pressing on this labor, are entitled to high commendation.

The unusually large number of patents prepared, and the office business connected therewith, evince the amount of labor performed in the recorder's division.

The onerous and responsible duties of the chief clerk have been faithfully and efficiently discharged, and the internal police of the office fully sustained. The principal clerk of private land claims has also been actively employed in the difficult and complicated duties of his division, which are in a satisfactory state of forwardness.

The principal clerk of surveys, though in ill health, has been assiduously engaged as his strength would permit in organizing the surveying operations in the new Territories, and carrying them out in the States.

The clerk in charge of the pre-emption division has also been most indefatigably employed, and, in view of the fact that many cases were complicated and difficult, has disposed of a very large amount of business.

The clerk in charge of the Virginia revolutionary claims and war of 1812 bounties, has labored indefatigably and ably in this most difficult branch of duty.

The clerks in charge of the Mexican bounty-land claims, and those under the acts of 1850 and 1852, have striven earnestly and successfully to keep up the duties of their re-

spective divisions, notwithstanding the great pressure of those duties.

The accountants have had the posting of the sales and locations, though unusually heavy, brought up as close as possible, and the accounts of the receivers and disbursing agents, adjusted to the latest dates practicable; and notwithstanding the large amount of money received for lands, it is confidently believed that every dollar has been or will be paid into the treasury. The duties of these divisions, though exceedingly arduous, have been zealously and faithfully performed.

The clerk in charge of the swamp-land division has also been diligently employed, and has ably pressed forward the duties of it towards completion.

With very few exceptions, the assistants in those several divisions have ably and efficiently seconded the efforts of their principals to consummate speedily and satisfactorily the duties of their respective branches.

The accounts of the surveyors general, deputy surveyors, and publishers of newspapers, have been adjusted and reported to the latest possible dates.

The following table shows the present condition of the bounty-land warrants, under the acts of 1847, 1850, and 1852, to wit:

Act of 1847.

Grade of warrant.	Number issued.	Acres embraced thereby.	Number located.	Acres embraced thereby.	No. outstanding.	Acres embraced thereby.
160 acres.....	79,407	12,705,120	71,939	11,516,240	7,468	1,194,880
40 acres.....	7,269	290,760	5,596	223,840	1,673	66,920
Total.....	86,676	12,995,880	77,535	11,734,080	9,141	1,261,800

Act of 1850.

160 acres.....	26,808	4,289,280	22,713	3,634,080	4,095	655,200
80 acres.....	56,220	4,529,600	43,434	3,474,720	12,786	1,054,880
40 acres.....	101,567	4,062,680	75,034	3,001,360	26,533	1,061,320
Total.....	184,595	12,881,560	141,181	10,110,160	43,414	2,771,400

Act of 1852.

160 acres.....	1,157	185,120	709	113,440	448	71,680
80 acres.....	1,649	131,920	959	76,720	690	55,200
40 acres.....	8,732	349,280	5,037	201,480	3,695	147,800
Total.....	11,538	666,320	6,705	391,640	4,833	274,680

SUMMARY.

Act of 1847..	86,676	12,995,880	77,535	11,734,080	9,141	1,261,800
Act of 1850..	184,595	12,881,560	141,181	10,110,160	43,414	2,771,400
Act of 1852..	11,538	666,320	6,705	391,640	4,833	274,680
Grand total	282,809	26,543,760	225,421	22,235,880	57,388	4,307,880

It will thus be perceived, that of the 26,543,760 acres embraced by the warrants now issued, 22,235,880 acres have been located, leaving only 4,307,880 acres to be satisfied.

The following table exhibits the present condition of the grant of 500,000 acres made to each of the States for internal improvements by the act of September 4, 1841, to wit:

States.	Quantity to which entitled.	Quantity selected and approved.	Quantity to be selected.
Illinois.....	209,085.50	208,980.05	105.45
Missouri.....	500,000.00	500,000.00	
Alabama.....	97,469.17	97,469.17	
Mississippi.....	500,000.00	499,984.59	15.41
Louisiana.....	500,000.00	387,875.20	112,124.80
Michigan.....	500,000.00	498,638.54	1,361.46
Arkansas.....	500,000.00	499,889.03	110.97
Florida*.....	499,990.09	368,290.10	131,699.99
Iowa.....	500,000.00	500,000.00	
Wisconsin†.....	500,000.00	416,721.41	83,278.59
Total.....	4,306,544.76	3,977,848.09	328,696.67

This grant may be regarded as closed in all these States except Louisiana, and it is presumed that it will soon be disposed of by that State also.

The grant for the central railroad from Chicago to Mobile, with a branch to Galena, has been adjusted and finally closed: that in Missouri, from Hannibal to St. Joseph's, is also closed, except a few tracts claimed by the railroad, which have been selected by the agents of the State as swamp lands under the act of 1850, and which are in process of adjustment. The grant for the southwestern road from St. Louis, Missouri, is in process of adjustment, and will be completed as soon as practicable. Nothing has yet been done with the grants for roads in Arkansas, for the reason that, by the terms of the grant, the legislature of the State was authorized to have the routes of the road established, and that body did not meet since the grant was made till this fall. It is presumed that the routes of these roads will be established from surveys already made; and when established, the grant will be adjusted as speedily as practicable.

The grant for the Sault Ste. Marie canal, it is expected, will be finally adjusted by the commencement of the session of Congress.

* Subject to readjustment, owing to imperfection of plats from which selections were made.

† Under decision of Attorney General, July 24, 1852.

At the instance of many members of Congress, and others, about thirty-one millions of acres in several of the land States had been withdrawn from market in anticipation of grants for railroad and other internal improvements; as such grants were not made, it was deemed expedient to restore these masses of lands to market, especially in view of the passage of the bill graduating the price of the public lands; and this has been, except where the reservation was for a fixed period, or grants have already been made.

The adjustment of these grants, and the prompt discharge of the current duties of this office, have been materially interfered with by the delay in selecting the swamp lands.

When the act of the 28th of September, 1850, was passed, granting the swamp and overflowed lands to the several States, the surveyors general were charged with the selection of those lands in the States where that office still existed, and where not, that duty was devolved on the registers and receivers of the land-offices.

The instructions required that the selections should be made from the field or descriptive notes of survey where the States were willing to accept that basis; but where they were not, and claimed other lands in addition to those shown by the field or descriptive notes to be embraced by the law, that the lands so claimed should also be certified to the States on satisfactory evidence that they were of the character alleged.

More than four years have elapsed and the selections are not yet completed. In the mean time numerous entries and locations were made of lands subsequently claimed by the States, and in many cases of this kind where these claims have been contested it has been found that the lands were not embraced by the swamp law, and consequently the sales or locations were confirmed; the claim on the part of the States having originated in the ignorance or carelessness of some of their agents. As the matter now stands, however, it is impossible to issue patents for sales and locations with any safety till the final returns of the swamp selections have been made and posted. The parties who claim these patents complain—and with good reason—of this withholding of the evidences of their titles; and the extent of the evil may be judged of from the fact, that by careful estimates it appears there are now in this office about one hundred and twenty-four thousand patents written and not transmitted.

To remedy this evil I respectfully recommend that authority be given for the issue of these patents, and that provision be made by law that the purchase money for any such lands

be paid over to the States, and that they be authorized to select others in lieu of those located with scrip, land warrants, &c., on due proof by the authorized agents of the States, that such lands were of the character embraced by the swamp-land act of 1850.

Further experience in examining the Virginia revolutionary bounty-land claims filed for scrip under the act of August, 1852, has fully evinced the difficulties in arriving at a satisfactory conclusion in many of those cases. In view, however, of the liberal construction given to the act of 31st August, 1852, by your decision, and the opinion of the Attorney General rendered since the recommendation in my report of last year, I am clearly of opinion that every claim can be satisfied that should be allowed, and hence that further legislation on this subject is unnecessary, if not inexpedient.

None can entertain a higher estimate than is held by this office of the value of the services for which bounty lands were promised by Virginia in the revolutionary struggle, and hence the most liberal construction consistent with the law has been applied to claims of this character.

The attention of Congress is again respectfully called to the imperfect condition of part of the records of this division. These records are the only evidence of title to numerous bodies of land in Ohio, patented prior to 1834, and it is highly important that measures should be promptly adopted for perfecting them, as every year's delay increases the difficulty in accomplishing that object.

In connexion with this subject it is suggested that a number of "entries," as they are termed, of Virginia revolutionary warrants were made in the military district in Ohio for which no surveys have been executed, or patents issued, owing to the neglect of the owners, many of whom, or their heirs or assigns, now occupy those lands. The act of 20th February, 1850, expired on the 1st of January, 1852, and since that time no survey could be executed of any of these "entries," however meritorious. To close this whole matter, it is respectfully recommended that authority be given to consummate all cases of this character; and that the balance of the public land, amounting, it is estimated, to about 60,000 acres, be donated to the State for school purposes. This recommendation is made in view of the fact that these lands are mere interstitial slips of irregular shapes, generally excluded from the adjoining surveys, it is believed, because they were considered of little or no value; and, further, that it would in all probability cost the government more to hunt up surveys, sell and issue patents for them, than would be realized

from the lands. It is important, however, in finally disposing of these tracts, either by the federal or State government, that provision be made giving a preference in the purchase of them to adjacent proprietors, at a given price and for a fixed time. This suggestion is made to prevent conflict of boundaries, and the litigation that will necessarily grow out of it in surveying these lands, as it will be necessary for this purpose to retrace old boundaries of irregular figures, the marks and monuments of many of which it is probable have been entirely effaced by time or accident. In fact it would seem to be necessary, in this case, to introduce something of the old Maryland system of surveys to take up vacancies, or re-surveys to include vacancies.

In view of the increase of business consequent on the operations of the law graduating the price of the public lands, and the decrease in the compensation of the land officers caused by that reduction, it would seem to be just that some provision be made to recompense them for their labor. The measure of compensation heretofore allowed should, therefore, be continued—that is, one per cent. where fees are allowed, estimating all the lands at one dollar and twenty-five cents per acre, with the restriction that they should not exceed six hundred and twenty-five dollars for any one quarter, nor twenty-five hundred dollars for the whole of an official year, except where the sales exceed that amount—say to an extent that would make the per centage equal to one hundred dollars where a proportionate per centage should be allowed to compensate a clerk or clerks for the additional duty necessary to keep up the business. An allowance should also be made those officers for office rent, and they should be required to keep their offices in safe and secure buildings, so that the valuable documents in their custody would be preserved against every risk of loss or destruction. As it is, these offices, containing the only reliable evidence of the foundations of title to the numerous and valuable farms all over the land States, are frequently located in frame buildings, so situated as to insure their destruction in case of fire in the vicinity, and often wholly insecure against trespass by the mischievous, designing, or dishonest. The cost is too slight in comparison with the risk, and it is probably the only class of cases in the world where so little regard is paid to such valuable archives. As the matter now stands, every effort within the power of this office is made to obtain suitable locations, by suggestions, &c.; but if the government paid the rent, it would have the power to require that the offices should be kept in secure buildings.

For donation claims in Oregon one hundred and forty-two certificates were transmitted to this office for patenting, but on examination it was ascertained that most of them were bounded by lines differing from those of the public surveys, and that special plats of the locations had not been transmitted with them as required by instructions. Without those plats, showing their locations in connexion with the lines of the public surveys, there would have been no security that different patents, when issued, would not have included the same land, in whole or in part. The certificates for such donations were therefore returned, that the instructions might be complied with. The others were placed in hands for patenting; and in view of the difficulty in preparing these patents, as special forms are required in different cases, I have devolved that duty on the principal clerk of private land claims. The business of that division, which has been promptly and efficiently discharged, was already onerous, embracing the Indian grants as well as private claims; but as these donations partook in some degree of the nature of that business, this arrangement was deemed the most judicious.

The surveyors general of Kansas and Nebraska, New Mexico and Washington Territories, have repaired to their respective posts, with full instructions for their guidance and government, under the legislation of the last session of Congress; but it is not expected that reports can be received from them in time to be laid before Congress, in view of their recent appointment and the remoteness of their fields of labor. The instructions to them, moreover, required much care and consideration, and consequently some time, that they might be fully advised of their duties, and that the intention of Congress should be carried out in their legislation on this subject. As these instructions are voluminous, and will probably be interesting to those of our citizens who may wish to emigrate to either of those Territories, especially those for the examination and adjudication of private claims in New Mexico, I have appended copies of them.

The land officers for Washington and Oregon Territories authorized at the last session of Congress having been appointed, full instructions, with the necessary tract-books, blanks, &c., have been transmitted to their offices, that they may be able, at once, to enter on duty. Those for Kansas and Nebraska were not appointed; and as no surveys have yet been made in those Territories, they would have had nothing to do, and their appointment would therefore have involved unnecessary expense.

Arrangements have been made for organizing a new land

district in the southern part of Florida in accordance with the requirements of the act of 5th August last, which takes effect on the 5th of February next. This act, however, requires an amendment, giving authority to the President to appoint the officers, and defining their duties and responsibilities. All the other laws of the last session which require the action of this office—and they are nearly one-fifth of the whole number passed—have been considered and disposed of, or are in process of execution.

The able and lucid reports of the surveyors general are herewith communicated, and special attention is respectfully requested to the suggestions and recommendations therein contained. The great amount of surveys executed in their several districts, and the strenuous efforts to secure accuracy in that service, evince the most untiring energy on the part of those officers.

The report of the surveyor general of Michigan presents a most satisfactory statement of the operations of his district during the past year. He has successfully overcome most of the difficulties incident to the fraudulent surveys heretofore made, and is pursuing the only plan by which the evils resulting therefrom can be remedied. In reference to the survey of the village lots at Sault Ste. Marie, referred to by him, it is proper to state, that in attempting to protract, on a large scale, the surveys formerly made of those lots, as requested by this office, the surveyor general found that they would not close; and, further, that the corners of the blocks and squares had not been properly marked. In view of the increased value of the lots in the village, it was deemed necessary to have them resurveyed with care, having reference to the decisions of the land officers under the law, and the corners permanently marked and established. This has been done, and it is hoped that the whole business will be closed at an early day. It is proper to state, however, that the long delay in disposing of this matter is not attributable either to this office or the surveyor general.

From the report of the surveyor general of Wisconsin and Iowa, whose district includes also the Territory of Minnesota, it will be perceived that the emigration to that region is so great that it is impossible for the surveys to keep pace with the settlements, notwithstanding the most judicious application of the means placed at his disposal, the unceasing efforts of his deputies, and a devotion to labor on the part of his clerks of about twelve hours each day.

The surveyor general of Illinois and Missouri is rapidly bringing the labors of his office to a close, and but for the

difficult and complicated duties connected with the location and survey of the private claims in his district, would soon have them completed. The granting of the request made by him for the appropriation of a small sum for the purchase of law books for the use of his office is earnestly recommended as indispensably necessary to enable him understandingly to adjudicate the intricate and important questions arising in the discharge of his duties.

The surveyor general of Arkansas, it will be perceived, is only prevented from closing the business of his district by the discovery of frauds in surveying executed many years ago, which require correction or the resurvey of considerable tracts of land.

The prevalence of sickness in Louisiana during the past season has materially interfered with the field operations in that State; notwithstanding which, very satisfactory progress has been made in the difficult and complicated duties of the district, including the adjustment of the swamp-land grant, which has been nearly completed.

In Florida the surveys have been closed on the line between that State and Alabama, and arrangements are being made for extending the surveys over the neutral ground surrounding the reservation heretofore made for the Seminoles, and also over part of that reservation, including the lands adjacent to Kissimie river and Lake Akechobee, which are represented as among the finest in Florida.

It will be remembered that the appropriations for surveying the keys on the coast of Florida, and the islands off the coast of California have been placed under the direction of the superintendent of the Coast Survey. By this judicious management but little expense is incurred beyond that required for the coast survey purposes; whereas, if these islands and keys were surveyed in the usual manner, in connexion with the ordinary land surveys, the expense would be very heavy. Whenever practicable, the coast survey has surveyed the necessary boundaries to divide these keys and islands into tracts of suitable size for sale; and where from the nature of the ground this could not be done, posts or corners have been established which can easily be connected by straight lines, so as to produce this result.

Plats on this work, covering a very considerable portion of it, and of a character highly satisfactory, have already been placed at the disposal of this office, and others are expected at an early day. Advices have also been received that the work on the coast of California is progressing as rapidly as possible.

Special attention is requested to the report of the surveyor general of California, and it is earnestly suggested that the most stringent means be adopted to prevent the outrages mentioned by him. If the surveyor general cannot be sustained in the discharge of his duties, or the marks and monuments of the United States surveys can be obliterated with impunity, the extension of the system over the regions of country where such offences are committed is worse than useless.

The report of the surveyor general of Oregon has not yet been received, but is expected in time to be laid before Congress early in the session.

At the last session of Congress action was had on several subjects that had been brought to the attention of that body, but there are others which require action, and which I beg leave to present for consideration.

The necessity has heretofore been presented of authorizing the department under the direction of the President, to restore to market lands which had been reserved, but which were no longer required for the purposes for which they were thus set apart. Numerous, and in some instances, large bodies of land are kept out of market for want of such authority, the settlement of their localities materially hindered, and special legislation frequently invoked on the subject. The authority now asked would enable the department to dispose of the unimproved lands in such reservations, under the general laws, and, where improvements had been made at the expense of the government, so to average the sale as to reimburse such expense.

The law of April 20, 1854, organizing the new land district of Cheboygan, in Michigan, having no date, took effect from its passage; and as the land officers for the old districts out of which it was formed could not be immediately apprized of the change, a number of sales were made in those districts of land which by the act had been transferred to the Cheboygan district. As these sales are illegal under the decision of the Supreme Court in the case of *Matthews vs. Zane*, the land officers of the Cheboygan district have been instructed to reserve the lands so entered till Congress can confirm these sales; and it is respectfully recommended that an act be passed to that effect, with a provision that in all cases hereafter, where laws of this character are passed without date, they shall take effect six months after their approval. This will give full time to organize the new districts and prevent the confusion and risk of error consequent on hasty action.

Under a misapprehension of the provisions of the relief laws, passed for winding up the old credit system, sales were closed many years ago which were not embraced by these provisions, and patents were issued on them. In other cases illegal subdivisions have been made by the land officers, and those subdivisions sold. To remedy these evils, I respectfully suggest that an act be passed making these patents and sales valid.

The muniments of titles under the credit system, as heretofore reported, are subject to loss, and are rapidly going to decay. But few are now living who understand the operations of that system, and hence, in addition to the risk of the loss or destruction of those papers, the holders of titles of which they are the original evidence, may be subject hereafter to inconvenience or actual loss from information derived from those who are not familiar with the details of the system. To obviate all difficulties on the subject, I respectfully recommend that authority be given for recording all these documents, with proper notes showing the entire derangement of titles in each case. The work would be laborious and expensive, but little in comparison to the good that will flow from it hereafter, in rendering certain those old titles, and infinitely less when compared with the value of the lands affected by them.

Uniformity in the action of the several branches of the business of this office renders its duties more simple, and the titles to lands more secure. By the act of 22d March, 1852, this office was authorized to prescribe the form and regulations for the assignment of land warrants. A like authority in relation to all transfers of entries, so far as they are regarded as assignable by this office, would introduce uniformity into this branch, and put at rest the question of the validity of such assignments. It would, moreover, secure evidence at least, of the identity of the vendor with the purchaser, and thus prevent frauds in assignments.

The necessity for an act of limitation in relation to surveys and sales by the United States is every year becoming more apparent, and the expediency of the measure cannot be doubted. So far as the survey of private claims is concerned, this office, with your approbation, has established the common-law doctrine of estoppels; but difficulties arise in carrying out this doctrine in relation to the notice of the survey that should be given to the parties in interest, and the length of time that should elapse after such survey before that doctrine should properly apply. To sales or locations no such principle can be applied, as they are regulated

by law. Cases of great hardship may arise to subsequent purchasers, who, relying upon the evidence given by the United States officers to the original parties, buy in good faith, and improve the land. If the title is finally found illegal or defective, it is vacated; the first purchaser may have left the country, and the innocent assignee has no remedy. In cases of this character some general principle established by law would afford relief to the parties, and obviate the necessity for much special legislation by Congress.

•I beg leave to renew the recommendations in my last annual report, not heretofore specially adverted to, and to request for them the consideration their importance requires.

This city and District, severed by their political position from the fostering care of any one State, are deprived of the assistance given to education by all the States, unless Congress, as their special legislators, shall make the necessary provisions for them. This may be done as elsewhere, by donations of public lands, under judicious restrictions.

A number of locations of warrants have been rejected because the parties to whom those warrants were granted had died before the issue of them, leaving neither widows nor minor children to receive the grants under the law. This, with the subject of further grants to the old soldiers, or their heirs, is respectfully submitted for consideration.

The act of the 4th August last, "to graduate and reduce the price of the public lands to actual settlers and cultivators," judging from the reports received, has been productive of much fraud and perjury, and proved seriously injurious to the actual settlers on the public domain. As far as practicable, these evils have been remedied by construction and instructions; but the law is inherently defective if it be designed to ingraft this feature permanently on our land system. The privilege of purchasing at the graduated price should have been limited to pre-emptors, or made general to all. Now, it is alleged that persons take the oath prescribed by the law, with the mental qualification that the land will be required for actual settlement and cultivation *at some future time*. Others, it is stated, have employed men to go forward and make the affidavit, paying all their expenses, and also paying for the land; the employer agreeing to give his employees, in fee simple, a portion—say one-eighth, or a quarter, of the land so entered—retaining the balance. The only corrective of this abuse, in the power of the office, was to refuse to recognise assignments of entries of this character, and to issue the patents to the persons in whose names the

entries were made; and this rule has been established. Efforts have been made to enter lands actually occupied and cultivated, but to which the settlers had no pre-emption claim. This has been refused on the ground that the settlers, being in occupancy of the land, could not, and should not, be ousted of his improvements by a party who wished to settle upon the same land, to the prejudice of the settler's occupancy. Attempts have also been made to enter land in the names of femmes covert, minors, &c. This, too, has been refused, for the reason that the obligation of settlement and cultivation, required to constitute the right to enter under the law, contemplates a contract; and hence those only can claim the benefit of the act who are capable of contracting. The proviso to the second section renders the execution of the law exceedingly intricate, and it is difficult to explain this feature in connexion with the several pre-emption laws in such a manner as to make it thoroughly understood. In fixing the periods for the several classes, fractions of years were disregarded from necessity, to prevent the dates becoming so numerous as to produce confusion. In many cases, as you are aware, the several parts of the same township, for various causes, were offered at different periods, frequently years apart; and hence these several parts are in different classes. In such cases it would have been desirable to fix a mean date as the average period of offering, but the office had not the power to do so.

The pre-emption clause is a peculiar feature in this law. Its effect is to give to pre-emptors settled on offered lands a perpetual credit, subject only to the risk of entry by others, for one month at the end of each period of graduation; in other words, to denote the land subject only to this risk. The effect, though ostensibly beneficial to the settlers, would probably prove most disastrous to them in the main. Resting in fancied security, the time in which they would be subject to this risk might be forgotten, and their land and improvements be taken by speculators; or death might interpose, and difficulties arise in subsequent domestic arrangements as to the persons by whom the entries authorized by the law should be made. This would certainly lead to litigation, and might have the still more disastrous and unhappy effect of producing discord and contention in families.

The basis of this law is the length of time the lands have been in market. It has been heretofore fully shown, that from eight to twelve millions of acres have been annually brought into market, while the demand has only ranged from one to four millions. It would be absurd to suppose that all

the best lands are first purchased, or that all the lands first entered were of the best quality. Our people are eminently social in their habits, and, moreover, naturally congregate together for the advantages of churches, schools, and mutual assistance.

The inference is fair, therefore, that except the most worthless class, which was disposed of by the swamp-land grant, a fair proportion of lands of all qualities have been annually entered, leaving the same relative proportion in each class of lands subject to entry. Moreover, as time elapses and settlements increase and extend, lands comparatively poor and unfruitful become more valuable, because of increased facilities for market, or that the improvements in the neighborhood bring into requisition the peculiar products of those lands. For these reasons, beds of sand and fields of rock or gravel, in the vicinity of growing towns or villages, though unfit for cultivation, are actually more valuable to their owners, on account of the materials for building and improvement obtained from them, than the most productive agricultural lands. The best evidence of these facts is found in the State of Ohio, where the richest lands had all been taken years ago, and yet, in proportion to those remaining unsold, the sales have been heavier than in any other of the land States. Indeed, evidence might be produced to almost any extent corroborative of this view, or showing, rather, that, generally speaking, lapse of time is a better reason for increasing than for decreasing the price of lands.

This, however, is not the only erroneous view that seems to have been entertained on the subject of the public domain. It has been alleged, on the one hand, that by it injustice is done to the old States, while the utmost liberality is manifested towards the new; and on the other, that in consequence of the Government being the great landholder in the new States, and its lands not subject to taxation, the sparse settlements of those States are compelled to sustain the expenses of State, county, and municipal governments, unaided by the means that should be derived from taxing all the lands. These views, on both sides of the question, are, to a greater or less extent, erroneous, as the facts will show.

The land system was originated by Jefferson, and fashioned into form by that great statesman, aided by Livingston, Gerry, Howell, Read, Williamson, Lang, King, Johnson, Stewart, Gardner, Henry, Grayson, Ball, Houston, and Monroe. In the enactment of the ordinance of 1785, and the acts of 1796, 1800, and 1805, the nation had the benefit of

the wisdom and patriotism of the sages, who, under Heaven, founded our free and happy government. The advancement of the public interest was then the only object sought. The heavy debt of the revolution pressing on the young republic required liquidation, and every means at the disposal of the government was carefully and judiciously applied to that object. Among these the public lands were considered a permanent and prominent item. With the utmost care, forecast, and wisdom, the land system was brought to perfection by a series of laws and executive and judicial decisions, till, by the passage of the act of 24th April, 1820, the cash was substituted for the credit system.

This is a brief summary of the inception and progress of our land system, which has continued for over seventy years, unaffected by any radical change till the passage of this graduation act, and which, in its past history for simplicity, harmony, certainty, and uniformity, has commanded universal admiration.

Let us now see how this system has been administered, with special reference to the benefits derived from the public lands by the old and new States respectively, excluding, of course, the lands on the Pacific.

The bounty lands for services in the revolutionary war, and that of 1812, flowed mostly to the citizens of the old States, and (say) one-half of those for services in the Mexican war.

The amount actually paid to the old States, under the act of 4th September, 1841, of the surplus revenue, is, of course, charged to those States.

As the proceeds of the public lands went into the treasury, and were applied to aid in defraying the expenses of the Government, the necessity was thus obviated of increasing the tariff to that amount. The tariff, it is admitted, bears more equally on the entire population of a country than any other tax. The old States originally, and until within a few years, were vastly more populous than the new, and this relief, therefore, applied in the same proportion. Suppose then, that for the entire period of the operation of the land system, the average proportion of the population of the old States to that of the new was as three to one: on this basis the people of the old States would have been benefited by three-fourths of the proceeds of the public lands, and those of the new States by one-fourth of those proceeds.

To state the account, then, on these hypotheses, the old States are chargeable with the amount of lands given as bounties in the revolutionary war and that of 1812, including

that under the acts of 1850 and 1852—say 19,209,297 acres, equal to.....	\$24,011,620 00
One-half of the act of 1847—say 6,477,880 acres, equal to.....	8,097,350 00
Amount actually paid the old States under the act of 1841.....	409,912 42
Three-fourths of the proceeds of the public lands.....	113,676,758 67

Making a total of.....146,195,641 09
the benefit of which has flowed chiefly, if not entirely, to the people of the old States. This amount, it will be remembered, is exclusive of the sum of more than forty-eight and a quarter millions net receipts for imports at the ports of Florida and Louisiana, which went into the treasury, and by which the people of the old States were also proportionably benefited.

One of the greatest benefits, however, to the old States, and that which cannot be estimated by dollars and cents, was the opening given by the new to the ambitious and enterprising citizens of the former, and the facilities furnished them by Government of obtaining valuable farms at mere nominal prices. They have also enjoyed immense benefits from the products of the West—the supply being vastly increased thereby, and the cost proportionably reduced.

On the other hand, grants have been made to the new States and Territory of Minnesota for schools, academies, universities, seats of government, public buildings, and internal improvements; the swamp lands being left out of the account, because, by the terms of that grant, the proceeds were to be applied in draining those lands—say 34,891,063 $\frac{6}{10}$ acres, equal to.....\$43,613,829 50
One-half the bounty-land act of 1847—6,477,-

880 acres, equal to.....	8,097,350 00
Amount actually paid under the act of 1841..	178,141 39
One-fourth the proceeds.....	37,892,252 89
Two, three, and five per cent. fund.....	4,562,813 34

Making a total of..... 94,344,387 12
the benefits of which would have flowed to the new States on this basis.

Thus it will be perceived that mutual benefits to an immense extent, and in about equal proportion, have flowed to both the old and new States under this judicious system; and if either has apparently the advantage, it is all within the

one great family, and not a sufficient ground of controversy between sires and sons.

The true policy of the land system is, first, to encourage the actual settlement and improvement of the public domain. This may be done by such amendments to the pre-emption laws as experience may prove necessary for the purpose, and by which every actual settler may secure his improvements in a reasonable time, without risk of competition from speculators.

And, second, to aid in providing the necessary facilities for intercommunications, and for the transportation of the products of the lands to market. Although the railroad excitement, in many cases, has been carried to excess, experience has proved that grants for such purposes, when carried out in good faith, are alike beneficial to the people, the States, and the general government.

To prevent mere speculation, and to secure an equivalent to the government for the lands granted for those purposes, some modifications in the acts making them seem proper—as, for instance, that no grant should be made except on the application of the legislature of a State; that the lands should be taken in alternate sections within a certain distance on each side of the improvement, the minimum price of the remaining sections to be doubled, throughout the whole extent of the grant; and the lands to be certified to the States as the work progresses, with a provision of forfeiture in case of failure.

It is impossible to portray the vast benefits already derived by the West from this system. Immense regions have been disposed of that were thought to be wholly unsaleable, because of the difficulty of access; and so numerous are the applications for these lands, that in some cases, for want of time, they cannot be acted on for months after they are made. The government has consequently been benefited, as will be seen in part from the following tables:

A.—WITHIN THE SIX MILE LIMIT.

Statement showing the quantity of land sold, with amount of purchase money received for the same; also, the quantity located within the six and fifteen mile limits of the Illinois Central railroad, from the date of being offered at public sale to the 30th September, 1854, within the State of Illinois, by land districts.

Districts.	Date when offered.	Quantity.	Purchase money.	Quantity located with warrants.	Excess purchase money upon locations with warrants.
		Acres.		Acres.	
Shawneetown.....	July 19, 1852	5,246.02	\$13,115 06	2,235.78	\$2,754 80
Kaskaskia.....	July 5, 1852	36,826.00	92,068 93	18,147.90	22,882 87
Edwardsville.....					
Dixon.....	Sept. 20, 1852	62,240.34	160,600 00	57,903.16	72,378 95
Vandalia.....	Aug. 2, 1852	146,238.91	375,845 05	118,548.99	140,961 11
Springfield.....					
Danville.....	Aug. 23, 1852	132,480.58	332,531 79	118,806.33	149,835 97
Chicago.....	Sept. 1, 1852	35,801.23	91,217 89	13,574.40	18,262 16
Palestine.....	Aug. 16, 1852	5,640.00	14,100 00	12,000.00	15,000 00
Within six mile.....		424,473.08	1,079,478 72	341,216.56	430,075 86

B.—WITHIN THE FIFTEEN MILE LIMIT.

Districts.	Date when offered.	Quantity.	Purchase money.	Quantity located with warrants.	Excess purchase money upon locations with warrants.
		Acres.		Acres.	
Shawneetown.....	July 19, 1852	41,352.57	\$51,690 68	66,673.06	\$1,140 92
Kaskaskia.....	July 5, 1852	35,700.96	44,680 40	39,700.99	585 66
Edwardsville.....	July 12, 1852	3,497.95	4,349 93	7,926.95	16 82
Dixon.....	Sept. 20, 1852	49,943.04	62,438 80	184,914.86	8,870 08
Vandalia.....	Aug. 2, 1852	66,215.91	82,863 73	382,453.29	6,889 99
Springfield.....	July 26, 1852	26,123.00	33,400 26	94,989.00	760 00
Danville.....	Aug. 23, 1852	99,886.08	125,097 46	369,829.72	17,740 17
Chicago.....	Sept. 1, 1852	5,160.67	6,492 06	41,936.68	
Palestine.....	Aug. 16, 1852	21,000.00	27,304 19	75,000.00	253 28
Within fifteen mile.....		348,880.18	438,317 51	1,263,424.55	36,256 92

Acres sold within both limits..... 773,353.26
 Acres located within both limits..... 1,604,641.11

Total sold and located with military warrants..... 2,377,994.37

Cash received for land sold.....\$1,517,796 23
 Excess in cash upon locations with warrants... 466,332 78

Total cash received..... 1,984,129 01

Cash value of warrants surrendered.....\$2,005,081 38

The necessity for means of communication between the Pacific and the Mississippi, across the continent, is becoming more apparent and pressing every year. The only mode by which this can be accomplished is a grant of the character above alluded to. No State can do it; it has not the power to go beyond its own limits. The work is too vast for private enterprise, and too important for further delay. Should the land system be crippled, this work, and all others of like character, will be rendered impracticable. If the object sought in the passage of the graduation act was to get rid of the lands as soon as practicable, there is but little doubt that object will be attained by it. If, on the contrary, the supposition was that the lands would not sell for more, the foregoing, I think, will satisfactorily show that supposition to be erroneous. The sales have always been equal to the demand; the supply far, very far, beyond it. The demand at the reduced prices will be increased, but chiefly for purposes of speculation; and the hardy and enterprising settler, instead of dealing with a kind paternal government in the purchase of his land, and securing a perfect title, will have to look to the wealthy monopolist and trust to his tender mercies, with the risk that his title is encumbered by prior liens or mortgages.

With these views, the natural suggestion is, that the graduation law be radically amended, if it be the pleasure of Congress to ingraft it permanently on the land system; and in that event it is further suggested that the twelve-and-a-half-cent class be abolished, or rather donated to the States respectively in which they lie, as the profit will scarcely defray the expenses of disposing of them.

The materials to answer the resolution of the House of Representatives of the 4th of August last cannot be prepared in time to be laid before that body at the commencement of the next session. That resolution requires "that the Secretary of the Interior cause to be prepared for the use of the House of Representatives, during the recess of Congress, a statement of the time the public lands may have been in market, as well as the quantity, classified according to the act graduating and reducing the price of the public lands, passed 4th August, 1854." The statistics now on hand cannot aid in preparing an answer to this resolution, even if they could be relied on.

The classification of the lands is progressing as rapidly as possible; and when completed, it will be necessary to ascertain the amount in each township that remains vacant, as well as the time of offering, that the classifications required

by the act may from time to time be made. This work is tedious and slow, and requires the services of those who are familiar with the land system. To obtain a starting-point, it was necessary to post all sales, locations, and selections up to 1st July last. This is mostly done, and every effort consistent with a due regard to correctness will be made to prepare the answer to the resolution at the earliest day practicable.

All of which, with the accompanying documents, is most respectfully submitted.

Your most obedient servant,

JOHN WILSON,

Commissioner.

VIII.—INDIAN AFFAIRS.

REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, Nov. 25, 1854.

SIR: I submit for your consideration, the usual annual report from this branch of the public service, referring to the accompanying reports of the different superintendents, agents, sub-agents, and other communications, for detailed information respecting the operations of the department and the condition of the various Indian tribes.

The remnants of the "Six Nations," remaining in the State of New York, present the interesting spectacle of one of the most renowned portions of the aboriginal race of this continent, still adhering, with traditional tenacity and veneration, to the homes of their forefathers. Subjected to many trying and adverse vicissitudes, by which their numbers and territorial possessions have been greatly diminished, this once barbarous and heathen people, devoted only to war and the chase, have undergone one gratifying change, and now generally acknowledge, and partially practise, the more ennobling and beneficial principles and pursuits of Christianity and civilization. Internal dissensions, alluded to in former reports, have materially interfered with their advancement and welfare; but these it is hoped will all soon cease, and never hereafter be renewed.

The peculiar and unfortunate situation of the Indians in the State of Michigan, consisting, mainly, of the confederated bands of Ottowas and Chippewas, was fully stated last year, and the measure deemed best for their preservation and welfare suggested. It is requisite that there be new conventional arrangements with them, providing for material changes in their affairs, and in their relations with the United States and the State of Michigan. Such arrangements could not be effected without more or less expense; and, on the application of the department, the sum of ten thousand dollars was appropriated therefor by Congress. But, in consequence of the late period at which the

appropriation was made, and other circumstances, it has been deemed advisable to postpone further proceedings until the next year.

By the convention with the Menomonees of the 12th of May last, they relinquish their right to a large tract of country in Minnesota, west of the Mississippi river, set apart for their permanent home by the treaty of 1848, but which, proving to be unsuitable for that purpose, was therefore unacceptable to them. In exchange therefor they were confirmed in the possession of a portion of the tract on the Wolf and Oconto rivers, in Wisconsin, which, with the assent of the authorities of that State, had been assigned for their use, and to which they had removed. The tract granted them by the treaty of 1848 was guaranteed to contain not less than six hundred thousand acres: that secured to them by the convention of May last, embraces only two hundred and seventy-six thousand four hundred and eighty acres, and is deemed to be more than ample for their comfortable accommodation. The lands retroceded by them, though not suitable for their purposes will be equally valuable to the government, if not more so than those granted in exchange.

In consideration of the great difference in the quantities of the lands thus exchanged, and because it was believed that the consideration stipulated for the lands they had been induced to cede by the treaty of 1848 was inadequate, in addition to the pecuniary and other beneficial provisions of that treaty, which were continued to them, the sum of one hundred and fifty thousand dollars was stipulated to be paid in fifteen annual instalments, commencing with the year 1867, when the payments in fulfilment of the treaty of 1848 will expire. This consideration was increased by the Senate, in the additional sum of ninety-two thousand six hundred and eighty-six dollars; making the aggregate amount of two hundred and forty-two thousand six hundred and eighty-six dollars. Having thus been permanently and most liberally provided for, and all causes of discontent removed, it is hoped and believed that in a few years the Menomonees will exhibit some evidence of moral and social advancement.

The department has been perplexed and embarrassed by the refusal of that portion of the Stockbridge Indians of Wisconsin, parties to the treaty of 1848, to accept the tract of land selected for them in accordance with that treaty, and to which selection they at one time gave their assent. They are, or pretend to be, anxious to remain where they now

are, at Lake Winnebago; and individual members of the band have repeatedly visited this city to urge an arrangement to that effect. For reasons stated in my special report to you of the 25th ultimo, their application could not be granted. The only alternative seems to be to find them a suitable home within the limits of Wisconsin; and as they require but a very small tract, this can be accomplished without prejudice to the interests of the white population of the State. It should not be done, however, without making provision for all belonging to the band—those parties to the treaty of 1848, and those who were not; including also their brethren the Munsees, whose rights and interests were entirely disregarded in that treaty. It is much to be regretted that such an arrangement has not heretofore been effected; as the distracted condition of these Indians, and the uncertainty as to their future destination, have been of serious injury to them. A recent personal visit disclosed manifest evidences of a former state of advancement and prosperity far beyond what they now enjoy.

The only other Indians having territorial rights in Wisconsin are the band of Oneidas, who occupy a small reservation near Green Bay, and are so far advanced in civilization as to justify the presumption that, like the Brothertons, they will at no distant day, dissolve their tribal organization and become citizens.

There are, however, within the limits of Wisconsin, and also within the northern peninsula of Michigan, a few small bands of the Chippewas of Lake Superior, who still occupy their former locations on lands ceded by the treaties of 1837 and 1842. It has not, thus far, been found necessary or practicable to remove them. They are very unwilling to relinquish their present residences, as are all the other bands of the same Indians; and it may be necessary to permit them all to remain, in order to acquire a cession of the large tract of country they still own east of the Mississippi, which, on account of its great mineral resources, it is an object of material importance to obtain. They would require but small reservations; and thus permanently settled, the efforts made for their improvement will be rendered more effectual.

The Chippewas who reside in Minnesota, west of the Mississippi, are not, it is understood, desirous of ceding any portion of their country west of that river; nor is such a cession at this time deemed absolutely necessary, so far as the wants of our citizens are immediately concerned; yet, in view of the rapid spread of population in that direction, and of the

future interests of the Indians themselves, it is believed that an early opportunity should be embraced to circumscribe their limits, and to concentrate them upon permanent locations, as recommended for their brethren on the east side. There are also bands of Chippewa Indians residing in the region north of the head-waters of the Mississippi, who, from the imperfection of former treaties, do not participate in their benefits, and are therefore in a very destitute condition. Some arrangement should be made to secure to them the means of subsistence and improvement.

It having been found that the country proposed to be given to the Winnebagoes, by the agreement made with them last year, for an exchange of lands, would, in many respects, be an improper location for them, it was recommended by the department that the agreement should be so amended as to assign them a location on the southern branch of the Crow river, to include Red Cedar Island lake.

The amendment which was adopted by the Senate authorized the assignment of this location to them, or one further west, as might on examination be found most advisable. A reconnoissance of the country west having thus been rendered necessary, the arrangements for the permanent establishment of these Indians, unfortunately for them, have not yet been consummated.

The difficulties connected with our relations with the Sioux Indians of Minnesota were, a year ago, as explained in the last annual report, of a serious character, but they have happily been surmounted. Congress having, at its late session, confirmed to these Indians the reservations originally intended for them by the treaties of 1851, measures were promptly adopted for concentrating them thereon, and for commencing a system of operations calculated to domesticate and improve them.

During the past season articles of agreement and convention were concluded with the Omaha, Otoe and Missouri, Sac and Fox of Missouri, Iowa, Kickapoo, Delaware, Shawnee, Kaskaskia, Peoria, Wea, Piankeshaw, and Miami Indians, all residing within the central superintendency, and in the newly organized Territories of Nebraska and Kansas. These tribes possessed lands bounded on the east by the western boundaries of the States of Missouri and Iowa, and lying between the parallels of 37 deg. and 42 deg. 40 min. north latitude, embracing, in the aggregate, nearly 15,000,000 of acres; all of which, with the exception of about 1,342,000 acres, being the amount of their several reservations, was ceded to the government. All the cessions vest

the title unconditionally in the United States, except those from the Ioways, the confederate band of Kaskaskias and Peorias, Weas and Piankeshaws, and the Delawares. The stipulations with these tribes are, that the land ceded by them (except the Delaware outlet) shall, after survey, be offered at public sale, and sold to the highest bidder; and such portions as are not so sold shall be subject to entry at \$1 25 per acre for the term of three years: after which time Congress may reduce the price of the land then remaining unsold. The expense of surveying, managing, and selling the land is to be deducted from the proceeds of the sales, and the residue to be paid to the Indians.

The prices stipulated for the lands acquired in Nebraska do not exceed the average prices given heretofore for Indian lands, whilst those for the acquisition in Kansas are greater. This is attributed to the higher grade of title possessed by the Indians treated with in the latter Territory, but which will not necessarily be the case in the conventions contemplated to be held with the tribes there, who are the mere holders of title without guaranty for perpetuity by the United States.

The payments have been graduated and extended so far as was deemed judicious, in view of the condition of the tribes dependent, from present habits, upon annuities for subsistence. But perpetual annuities have been discountenanced, as tending to indolence and helplessness. The moneys have been placed, except in a few instances, and in those to a limited extent, under the control of the President of the United States, to be so applied as will, in his opinion, most conduce to civilization, comfort, and mental and moral improvement; and the payment of debts contracted by a few individuals, or alleged to have been contracted by them in the name of the tribes, and termed national obligations, heretofore a prolific source of bribery and corruption, are expressly forbidden.

The lands thus acquired are of excellent quality, eligibly situated, are now being rapidly settled, and will soon be brought under cultivation by that portion of our population who intend to make these Territories their future homes.

Congress appropriated the funds necessary to fulfil the stipulations of these conventions, the Senate having ratified all without amendment, except those with the Miamies and Shawnees. The amendments to the former did not require the assent of the Indians; and those to the latter were assented to by the Shawnees, coupled with the condition that neither the present nor any future council of the tribe should ever appropriate any of the funds stipulated to be paid them

to the satisfaction of certain pretended claims of R. W. Thompson, G. C. Johnson, and Ewings and Clymer, against the tribe. The condition was deemed of such a character as to require the consideration and action of the Senate, and the paper was returned to the Indians, with a suggestion by the department that they should cancel it, make their assent unconditional, and, if they desired to do so, express their views of these claims in the form of an independent resolution. This suggestion was adopted by the Shawnees, the amendments unconditionally assented to, and a resolution unanimously adopted expressive of the wish and desire of the Shawnees, "that no countenance be given by any of the departments at Washington to the aforesaid pretended claims, or any other of a like character."

There are several other tribes in Kansas Territory with which it will be necessary to have new conventions at an early day; and it is also very important that arrangements be made as soon as practicable with the Pawnee and Poncah Indians, of Nebraska, by which their limits may be restricted, and defined, and their assaults upon emigrants, and their hostile excursions against other tribes, terminated.

Within the central superintendency no perceptible improvement has taken place during the year in the moral condition of the Indian tribes; while the unusual and protracted drought that has prevailed in that region of country has caused, in many instances, an almost total failure of the crops of some of those who have heretofore attempted to cultivate the soil.

Some of the tribes will have corn sufficient to supply their necessities; and to guard against inevitable suffering and want, it has been determined to retain a portion of the annuities of the present year due to such as are destitute of provisions, and thus afford them the means necessary to procure food during the approaching winter and spring.

The various bands of Sioux, Gros-Ventres, Arickarees, and others of the Upper Missouri agency who are parties to the treaty of Fort Laramie, received their annual presents and annuity goods with great satisfaction. The Arickarees, Mandans, and Gros-Ventres informed the agent that he might in future dispense with any further supply of corn, as they had raised enough for their own use, besides a quantity to sell. The rapid dispersion of the buffalo, and other causes alluded to in the report of the agent, require that such action be taken at once as will lay a foundation for the future support of these people.

The discontent of some of the bands on the Upper Mis-

souri, and the attempts of those who committed the massacre near Fort Laramie—alluded to elsewhere—to enlist all the Indians of that region to join them in a general war on the whites—for details of which you are referred to the report of the agent—are, in my judgment, sufficient to require prompt action and such military defences as will be sufficient to protect those who may travel over the plains next spring.

The Omaha, Otoe, and Missouri, and the Pawnee tribes, embrace the Indians in the Council Bluffs agency. Through the neglect of their former agent, and the delay necessarily occasioned by his rejection by the Senate, and the appointment and qualification of a successor, these Indians have had but little attention during the past season. The Omahas and Pawnees have, it is understood, raised and gathered less than an average crop of corn, but the Otoes and Missourias are without food for the winter, and all of them are nearly destitute of clothing. When recently in Nebraska, I directed the agent to make provision for the necessary wants of the Omahas, and Otoes and Missourias; and to proceed at once, with parties of each to select the reservations provided for in the recent treaties, so that these Indians may be removed early in the spring. By the treaty with the Omahas it is stipulated that the United States will protect them in their new home from the assaults of the Sioux and other hostile tribes. Without this protection they will not, and indeed ought not to remove: and the military post, before alluded to, should be located with reference to such protection.

The Indians of the Great Nemahaw agency, comprising the Sacs and Foxes of Missouri, and the Ioways and Kickapoos, will, with the partial crop raised by them, and the portion of their annuities withheld to meet their necessities, get along without any serious inconvenience. It is gratifying to know that some of the Indians of this agency are impressed with the necessity of exerting themselves to change their mode of life, to adopt new habits, and to have their means employed in the erection of houses and the opening and cultivation of farms.

The crops of the Indians within the four agencies embracing the Delawares, Shawnees, Wyandots, Pottawatomies, Kansas, Sacs and Foxes of the Mississippi, Chippewas, Ottowas, Kaskaskias, Peorias, Weas, Piankeshaws, and Miamies, have, to a very great extent, failed, and suffering to an unusual degree will only be prevented by the application of a portion of the ample money-annuities, which most of them

have, to the purchase of such supplies as may be necessary for their comfort.

The agents have been instructed to cause the exterior lines of the tracts reserved by the recent treaties with the tribes west of Missouri and Iowa for their future homes to be surveyed and distinctly marked, so that the Indians may remove within them at the earliest practicable period. In the case of the Shawnees, the united tribe of the Kaskaskias and others, and the Miamies, the homes of the Indians cannot be selected until the government surveys are made, embracing the tracts ceded by them; and it is therefore very desirable that the public surveys in the Territory of Kansas should be prosecuted without delay.

The tribes in Kansas and Nebraska with whom conventions have recently been concluded, as well as several others within the range of the emigration to those Territories are now undergoing a severe trial, and it is by no means surprising that their moral condition has not improved during the past year. Most of them were to remove to new locations; but the conventions had first to be ratified by the Senate, and the necessary appropriations made to carry out their provisions. In this unsettled state, the minds of the Indians were ready for any and every impression that the circumstances surrounding them would be calculated to produce. The effect has been, and will continue to be unfavorable to them, until they can be placed securely in their new homes; and it will then require the most faithful attention on the part of their agents, and the constant and devoted efforts of the missionaries and teachers to prevent them from contracting the vices and rejecting the virtues of civilized life.

It is gratifying, however, to notice the fact that, in the midst of these adverse influences, the various mission schools within the central superintendency from which reports have been received are in a sound, if not flourishing condition, and the number of Indian youth attending them is equal to that of any former year.

As heretofore reported to you, an association of persons has undertaken to appropriate to their own use a portion of the land ceded by the Delawares, fronting on the Missouri river, and south of Fort Leavenworth; have laid out a city thereon, and actually had a public sale of the lots of the same on the 9th and 10th of October last. These unlawful proceedings have not only taken place under the eyes of the military officers stationed at the fort, but two of them are said to be members of the association, and have been active

agents in this discreditable business. Encouraged by these proceedings, and prompted by those engaged in them, other persons have gone on other portions of the tract ceded by the Delawares in trust to the United States, and pretend to have made, and are now making, such "claims" as they assert will vest in them the lawful right to enter the land at the minimum price under the pre-emption law of July 22, 1854.

It is well understood that these parties can acquire no title to the lands thus "claimed." They must be sold at public sale to the highest bidder, and the stipulations of the treaty complied with in good faith; and the government should at once interpose its authority, and expel all who are trespassing on the Delaware cession. The effect has already been injurious to the peace of the Delawares, and it is due to them that such prompt and unmistakeable action be had as will assure them that the United States will keep its faith. The Indians should under no circumstances be permitted to become dispirited, or to lose confidence in the public authorities, for if they do, all efforts to civilize them or improve their condition must be unavailing. Procrastination or delay in this case will induce others to trespass on the similar cessions made by the Ioways and Kaskaskias, and others, if not upon the homes reserved by these and other Indians.

In view of the facts above stated, I am constrained to submit a few suggestions in relation to the emigrated tribes in Kansas Territory, who, by the policy of the government adopted more than thirty years ago, and reluctantly acquiesced in by them, were removed to, and became inhabitants of, the country now embraced in this Territory. Already many of them have ceded, and it is expected that others will cede, the larger portion of their lands to the United States for the use and occupation of our citizens. The faith of the nation was pledged in the most solemn form, before these tribes removed to the region west of the Mississippi, that they should have the undisputed possession and control of the country, and that the tracts assigned to them therein should be their permanent homes. It was called the "Indian Territory," and the intercourse act made it unlawful for white men to go into it, except on a license obtained, and for special purposes: and, in this secluded home, it was believed the efforts of the government and the philanthropist to civilize the red man would be more successful than ever before. Such was not the case, however. Our population advanced rapidly to the line which was to be the barrier, and,

with the emigration consequent upon our acquisitions from Mexico and the organization of our new Territories, necessarily subjected the Indians to that kind of contact with the whites which was sure to entail on them the vices, while deprived of the good influences, of civilization.

In the recent negotiations for their lands, the Indians dwelt upon the former pledges and promises made to them, and were averse generally to the surrender of any portion of their country. They said that they were to have the land "as long as grass grew or water run," and they feared the result if they should consent to yield any part of their possessions. When they did consent to sell, it was only on the condition that each tribe should retain a portion of their tract as a permanent home. All were unitedly and firmly opposed to another removal. So fixed and settled was this idea that propositions clearly for their interest were rejected by them.

The residence of the tribes who have recently ceded their lands should, therefore, be considered (subject in a few cases to a contraction of limits) as permanently fixed. Already the white population is occupying the lands between and adjacent to the Indian reservations, and even going west of and beyond them; and at no distant day all the country immediately to the west of the reserves which is worth occupying will have been taken up. And then the current of population, until within a few years flowing only from the East, now comes sweeping like an avalanche from the Pacific coast, almost overwhelming the indigenous Indians in its approaches. It is, therefore, in my judgment, clear, beyond doubt or question, that the emigrated tribes in Kansas Territory are permanently there—there to be thoroughly civilized, and to become a constituent portion of the population, or there to be destroyed and exterminated. What a spectacle for the view of the statesman, philanthropist, Christian—a subject for the most profound consideration and reflection! With reservations dotting the eastern portion of the Territory, there they stand, the representatives and remnants of tribes once as powerful and dreaded as they are now weak and dispirited. By alternate persuasion and force, some of these tribes have been removed step by step, from mountain to valley, and from river to plain, until they have been pushed half-way across the continent. They can go no farther; on the ground they now occupy the crisis must be met, and their future determined. Among them may be found the educated, civilized, and converted Indian, the benighted and inveterate heathen, and every intermediate

grade. But there they are, and as they are, with outstanding obligations in their behalf of the most solemn and imperative character, voluntarily assumed by the government. Their condition is a critical one—such as to entitle them not only to the justice of the government, but to the most profound sympathy of the people. Extermination may be their fate, but not of necessity. By a union of good influences and proper effort, I believe they may, and will be saved, and their complete civilization effected.

Be that as it may, however, the duty of the government is, in my opinion, plain. It should fulfil, with the greatest promptness and fidelity, every treaty stipulation with these Indians; frown down, at the first dawning, any and every attempt to corrupt them; see that their ample annuities are directed faithfully to their education and improvement, and not made the means of their destruction; incessantly resist the efforts of the selfish and heartless men who, by specious plans and devices for their own gain, may seek to distract and divide them; require diligence, energy, and integrity in the administration of their affairs by the agents who may be intrusted with their interests and welfare; and visit the severest penalties of the law on all who may violate its salutary provisions in relation to them. Let these things be done; the co-operation of the civil officers, magistrates, and good citizens of the Territory secured, and the most active efforts of the friends of the benevolent institutions now existing among them be brought into exercise for their moral culture; and, by harmonious and constant effort and action, a change may, and it is believed will, be brought about, and Kansas become distinguished as a land in which the complete and thorough civilization of the red man was worked out and accomplished.

The agent for the Upper Platte and Arkansas agency experienced no difficulty in obtaining the assent of the tribes who were parties to the Arkansas treaty, to the amendments of the Senate to that instrument, except the Apaches; and he expresses the belief that the Comanches and Kioways have faithfully complied with the stipulations of the same, except in their forays on citizens of New Mexico, seeming not to understand that that territory now belongs to the United States. When the agent met the Apaches, he was without an interpreter, and therefore could not submit the amendments to them.

It is stated that the great majority of the Indians of that agency have no respect for the government of the United States or the citizens thereof; that emigrating parties have

generally to buy their way through the country, and that the military force at the different posts can render no assistance, being, indeed, unable to protect itself beyond the reach of the guns of the forts.

The Osages, Pawnees and others, have also annoyed the emigrants, and committed depredations upon them. The roads on the principal routes to the Pacific coast have become very important thoroughfares. Thousands of emigrants, and many merchants, who, with their property to the amount of several millions in value, pass annually over the plains, are entitled to the protection of the government. The weakness of the present military force operates injuriously in various ways, and it would be much better to withdraw it entirely, and let emigrants have notice that they must protect themselves and their property, and leave the Indians to be dealt with by our agents alone, than to permit the posts to remain in their present weak and enfeebled condition.

The report of Agent Whitfield reiterates the admonition of his predecessor in relation to the impending fate of the Indians of the Arkansas, the Platte, and the Plains, if some policy be not soon introduced by which their habits, tastes, and pursuits may be changed. The buffalo, on which they mainly rely, not only for food and clothing, but also for the means of shelter, is rapidly disappearing, and must soon cease to be a source of reliance and dependence for support. The best policy to be adopted to meet the exigency it is difficult to determine satisfactorily. But that something should be done, and that speedily, must be apparent to every reflecting mind.

In the report last year of the late Agent Fitzpatrick, he states that, in his then recent visit he found many of the Cheyennes, Arapahoes, and Sioux in a starving condition, on account of the scanty supply of buffalo; and the Upper Missouri agent, in his last year's report, also states that within his agency there are at least four hundred thousand of these animals annually destroyed.

The present agent for the Upper Platte and Arkansas is of the opinion, that although starvation be inevitable, yet the Indians alluded to will never voluntarily abandon their present mode of life; and that to effect a change and obtain control over them, the United States must first effectually chastise every band.

Although having confidence in the prudence and judgment of the agent, I am constrained to think that the suggestion has not been well considered by him; and without

questioning the beneficial effects which might result from the successful execution of such a measure, it would in my opinion, if attempted, prove an utter failure. These Indians have no fixed habitations, no houses, no fields, and no property, herds, or flocks, but such as may be removed with great celerity: and in their rapid migration from one portion of the country to another, they leave no trace behind to guide and direct their pursuers.

I am not prepared to suggest any better plan for their domestication and preservation than to make an effort to colonize them in suitable tracts of country, to be selected for that purpose, and there teach them to labor and to cultivate the soil. Some, no doubt, would at once embrace the opportunity, if presented; and the improvement of their condition would have its influence upon others, who, from their destitution and want, could, it is believed, be induced to take refuge in these retreats. A portion of the funds now applied to the purchase of merchandise for annual distribution among them might be appropriated for this purpose, and the experiment made without any demand upon the treasury beyond the amount required to pay the wages of a few employees and minor agents.

The four principal tribes within the southern superintendency—the Cherokees, Creeks, Choctaws, and Chickasaws—continue gradually to improve their condition. Having generally adopted the habits and pursuits of civilized life, they are probably more prosperous and happy than any of the other tribes within our borders. Their forms of government, which have been modified and improved as their knowledge and experience have increased, and the manner in which their internal affairs are administered, do them great credit; while the zeal and anxiety of their leading men for the general education of their people entitle them to the highest commendation of the government. They are loyal and friendly to the United States, and quiet and generally peaceful towards each other. The only cause of anxiety with regard to them, at present, is that they may be subjected to some hardship and suffering in consequence of the shortness of their crops, occasioned by the extreme drought which has prevailed in that region, as well as elsewhere.

The Seminoles within this superintendency are in a much less satisfactory condition, being ignorant and more or less debased, idle, and addicted to dissipation. The Creeks, within whose boundaries they reside, complain that they are the instruments and agents through whom most of the ardent spirits brought into their country are introduced, and they

have appealed to the government to interpose to abate this nuisance, which is attended with much injury to their people.

The United Senecas and Shawnees, and the other small bands of Quapaws and Senecas, also within the southern superintendency, are in comparatively comfortable circumstances; but the Osages, in the same district, who have not yet abandoned the chase, are in a much less favorable condition. An effort, which has been partially successful, is now being made to effect treaties with these several bands, for the purpose of reducing their territorial possessions, which are much too extensive, and of bringing them under a better system of control and management, with a view to their more rapid improvement.

The question of a political separation between the Choctaws and Chickasaws, which has for some time been earnestly sought for by the latter, but opposed by the former, and which has excited much feeling between the members of both tribes, still remains unadjusted. Commissioners appointed for the purpose by each were to meet early in October, to consider and discuss the subject; but information as to the result of their conference has not yet reached the department.

A political union, similar to that between the Choctaws and Chickasaws, also exists between the Creeks and Seminoles, much to the dissatisfaction of the latter, who are weak and feeble in numbers and resources, and complain of wrong and oppression from their brethren of the other and more powerful tribe. Like the Chickasaws, they cherish the natural and reasonable desire of a separate country and an independent government of their own. If their wishes in this respect were granted, it would, it is believed, exercise a powerful influence upon those in Florida towards inducing them to emigrate. It is said that they are well acquainted with the nature of the relations between their brethren west and the Creeks, and that they will never willingly emigrate so long as those relations, which are very repugnant to them, shall continue.

The Choctaw authorities are anxious to put in operation a general system of neighborhood or common schools among the people, but have not the means necessary for its accomplishment. They have requested that the balance of the orphan fund remaining in the hands of their agent unclaimed may be appropriated for that purpose; but, under existing laws, the department is unable to comply. It is probable that no further demands will ever be made upon this fund, amounting now to \$17,550 80, and to be increased as the

orphan lands in Mississippi are sold. The request is so reasonable, and the object so praiseworthy and appropriate, that it is to be hoped that Congress will authorize the department to apply the fund as the authorities of the tribe desire.

The Indians in Texas are represented to be now more peaceful and orderly than they have been during a great portion of the year. They have committed many outrages upon frontier citizens, and continue their forays beyond our boundaries, in spite of the military force in that quarter and the efforts of the agents of this department to restrain them. It is in contemplation to collect and colonize them on three reservations which the State of Texas has granted for the purpose, and where they are to be partially subsisted at the expense of the United States, for a year or two, until they can be induced to turn their attention to agriculture and the raising of stock, and thus provide for their own subsistence. The duty of making the necessary explorations of the country, and of selecting and surveying the boundaries of the reservations, was confided to R. S. Neighbors, the principal agent of the department in Texas, and to Captain R. B. Marcy, of the army, who were instructed to make a joint report of the result of their proceedings, with plats of the reservations. At the last accounts the surveys had not been completed, and their report has, consequently, not been received. The important measure of thus colonizing these Indians will, when consummated, place them more fully under our control, and have a tendency to prevent the depredations and outrages from which the border citizens of Texas have so long suffered.

Conventional arrangements are necessary with all the Indians in New Mexico and Utah, except the Pueblos, for the purpose of fixing them in proper locations, and of giving to the department such influence and control over them as will enable it, as far as possible, to confine them thereon, and to induce them to resort to agriculture and kindred pursuits, instead of relying, as they now do, for support upon the uncertain and precarious supplies of the chase, and, when that fails, upon the more hazardous and injurious practice of theft and plunder. Our citizens ought to have proper protection from Indian depredations; but, in the present state of things in these two Territories, this is impossible. All the military force that could be sent there could not prevent such depredations, otherwise than by the extermination of the Indians. Without implements or stock, and untaught and unassisted in the art of husbandry, they cannot support themselves otherwise than they do. When, as is often the case, the chase

does not supply their necessities, they must steal or starve. They must either subsist to a considerable extent by plundering the white inhabitants, or they will have to be exterminated; or else they must be colonized in suitable locations, and, to some extent at least, be subsisted by the government, until they can be trained to such habits of industry and thrift as will enable them to sustain themselves. This system is in progress in California with some prospect of success. It is about being commenced in Texas, and its adoption in New Mexico and Utah should be no longer delayed. Though expensive at first, its cost will not equal the amount of the losses sustained by our citizens from the depredations of these Indians.

The governor of New Mexico estimates the cost of putting this system in operation in that Territory at \$67,500 for the first two years, \$40,000 for the third, and \$30,000 for each of several succeeding years.

He reports the amount of losses sustained by the white population of the Territory during the year past at about \$112,000. That the obligations of Christian duty, as well as the dictates of humanity, demand the efficient action of the government, must be too obvious to require discussion. We have to some extent taken possession of the lands of these Indians, driven them from their cherished resting-places, and destroyed the game, their only means of support. We should now aid and teach them to live without this resource, or their destruction is inevitable.

Appropriations were made at the late session of Congress to enable the department to negotiate treaties with the Indians of these Territories, in which provision should be made for the inauguration of the policy referred to. It is to be regretted that these appropriations were delayed until it was too late in the season to send out the goods and other presents, without which the negotiations cannot be attempted with a reasonable prospect of success. They had, therefore, necessarily to be deferred till the next year. In the mean time, the governors of the Territories have been called upon, in their capacities of superintendents of Indian affairs, for information as to the extent and nature of the various Indian claims, with maps indicating the boundaries of each, and such other information as would enable the department to issue the necessary instructions; and also as to the character and description of the articles most useful to the Indians, and best suited to aid in the accomplishment of the object in view.

The reasons which prevented the accomplishment this sea-

son of treaties with the Indians in New Mexico and Utah apply with equal force to the Blackfeet and other Indians of the Upper Missouri, and adjacent to the Territory of Washington. Measures will at once be adopted so as to insure a council with them early the next year.

Appropriations having also been made for the like purpose in the Territories of Oregon and Washington, the articles intended for presents were promptly procured and shipped by the way of Cape Horn, and the superintendents in those Territories instructed to proceed as early as practicable with the negotiations. It is hoped that these will result in satisfactory arrangements for the permanent settlement of the Indians, and in the establishment of such relations between them and the whites as will prevent the recurrence of such inhuman scenes and atrocities as have taken place in Oregon during the past year; and in which it is due to truth to state that the latter have, in some cases, been the aggressors, and shown themselves to be as barbarous and cruel as the Indians. Indeed, the usual order of things has been to some extent reversed, the department having had to invoke the aid of the military for the protection of the weak and helpless Indians from the persecutions and cruelties of the whites.

In this connexion I would refer to the report of Superintendent Palmer, of Oregon, and to the elaborate report of Governor Stevens, of Washington, as containing much valuable and interesting information in regard to the tribes, and the condition of Indian affairs in those two Territories.

Our Indian relations in California begin to wear a more encouraging aspect. No serious disturbance has occurred there during the past year. The system of colonizing the Indians on reservations located so as not to interfere with the progress of the white settlements has thus far been attended with happy results, in withdrawing the Indians from the injurious contact with the mining and agricultural population, from which the painful collisions and disturbances that have heretofore occurred arose. While its tendency is to satisfy the whites that they will hereafter be secured from molestation and annoyance by the Indian population, it gives promise of disposing of the latter in a manner to admit of its being held under proper control, and gradually improved and civilized. One reservation has been established at the Tejon Pass, to which about seven hundred Indians* have been removed, and a considerable quantity of land put in cultiva-

* Late Superintendent Beale reported the number at the Tejon, in February last, at about 2,500.

tion. There are numbers of other Indians ready and anxious to take up their residence upon this reservation, who will be removed there as soon as arrangements can be properly and economically made for their support and employment. The result thus far encourages the belief that the Indians of California can be made a peaceful and self-sustaining people, and, it is hoped, eventually a useful population. They are easily controlled, manifest much interest in the system and arrangements for colonizing and giving them employment, and have with readiness devoted themselves to the agricultural and other occupations assigned them. The superintendent reports that the system has been so successfully organized and developed on the Tejon reservation, that there will be no necessity for any material expenditures there after the present year. A second reservation has been selected some six hundred miles further north for the Indians in that region, and to which they will be removed with all practicable despatch. These two reserves will, it is expected, accommodate and dispose of all the Indians in and about the present mining and agricultural districts, so that time and care can be taken in the establishment of the third and last reservation.

On the 17th of August last, a train of Mormon emigrants passed an encampment of certain bands of the Sioux Indians, who were awaiting, near Fort Laramie, for their annuity goods. One of the cattle belonging to the train made its way into the Sioux villages, and was killed and consumed by the Indians. The Mormons complained to the commandant of the fort, who despatched Lieut. Grattan, with twenty-nine men and an interpreter, to demand the person of the Indian who killed the animal. He was not delivered up; and upon the refusal or failure to do so, a fight ensued, in which the lieutenant, his entire command, and the interpreter, were killed. The particulars of this melancholy and heart-rending occurrence will be found in the report of Agent Whitfield, and the documents accompanying it. The Sioux belong to bands in amity with the United States—bands which have annuities due them under treaty stipulations; and the Mormons should, under the provisions of the "intercourse act," have applied to the agent, who was in the vicinity, for redress, and he could, under the law, have paid, out of the annuities, for the property taken; but no officer of the military department was, in my opinion, authorized to arrest or try the Indian for the offence charged against him.

Immediately after the perpetration of the massacre, the Indians repaired to the warehouses of the trading company, near by in which their annuity goods had been stored by

the contractors for their transportation, and, without waiting the arrival of the agent to make a distribution, took possession of, and appropriated the goods among themselves.

Occasions frequently arise in our intercourse with the Indians requiring the employment of force, although the whites may be, and often are, the aggressors. The Indian bureau would be relieved from embarrassment, and rendered more efficient, if, in such cases, the department had the direct control of the means necessary to execute its own orders. A force better adapted to the Indian service than any now employed could, it is believed, be readily organized. But careful attention, and kind and humane treatment will, generally, have more influence upon the savage than bayonets and gunpowder.

The wonderful growth of our distant possessions, and the rapid expansion of our population in every direction, will render it necessary, at no distant day, to restrict the limits of all the Indian tribes upon our frontiers, and cause them to be settled in fixed and permanent localities, thereafter not to be disturbed. The policy of removing Indian tribes from time to time, as the settlements approach their habitations and hunting-grounds, must be abandoned. The emigrants and settlers were formerly content to remain in the rear, and thrust the Indians before them into the wilderness; but now the white population overleaps the reservations and homes of the Indians, and is beginning to inhabit the valleys and the mountains beyond; hence removal must cease, and the policy be abandoned. Injury will not necessarily result to the Indian race from a change. By the operations of a former system, some tribes have become extinct; and the reduced numbers and enfeebled and demoralized condition of many of those who now rest upon the frontier furnish unmistakeable evidence of the effect of the system upon them. It is believed that by the proposed change, advantages will also result to the white population, while the heavy drafts heretofore made on the national treasury for removing Indian tribes will be saved.

Experience has proven the law approved June 30, 1834, "to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontier," to be inadequate to meet and dispose of all the varied questions and difficulties which frequently arise under, and grow out of, the existing state of our Indian relations. It does seem to me essential, in order to the proper administration by the government of its Indian affairs, that further and immediate legislation should be had on the subject.

In New Mexico, Utah, Washington, and Minnesota, the supervision of our Indian affairs is given to the territorial executive, who by law is made the superintendent; and in Oregon, Kansas, and Nebraska the same is confided to an independent officer, denominated the superintendent of Indian affairs. I am satisfied that the harmony and efficiency of the Indian service would be promoted by placing our Indian affairs in the first on the same footing in this respect that they now occupy in the last-named Territories.

Of the various evils which beset our Indian population, there is none more alarming than the traffic in ardent spirits. In spite of the laws of the government, the vigilance and exertions of its officers, and the efforts of the truly philanthropic, the evil still exists and has its sway. Considerable reflection has confirmed me in the opinion that much may be done towards abating this vile trade by a co-operation with the government on the part of the States and Territories bordering on the frontier. Earnest appeals have been made to them for proper legislation, but only with partial success. It is hoped that this important subject will arrest the attention of the people, and their representatives in the States and Territories referred to, and that something efficient will yet be done by them towards aiding the government in relieving the poor Indian from the evils arising from the use of ardent spirits, and the power of the whiskey-trader.

In the last annual report, your attention was directed to the subject of a general council of the semi-civilized tribes of the southern superintendency with the wild tribes of the prairies, having in view the establishment of mutual relations of peace and amity between the several tribes, and of making available the occasion to impress the wilder Indians with a just appreciation of the power and determination of the government of the United States to punish them for their aggressions, if persisted in, and to show the necessity of being at peace and on good terms as well with the whites as with their red brethren. With regard to this matter, my views are still unchanged. I therefore renew my recommendation that application be made to Congress for an appropriation to carry out the object.

Referring to a suggestion made in former reports, in regard to the investment of moneys in stocks so as to produce the annual income stipulated by treaty to be secured in perpetuity to various Indian tribes, I deem it now to be my duty to allude to a provision of the second section of the act of Congress entitled, "An act to repeal a part of the act

to provide for the support of the Military Academy of the United States," &c., approved September 11, 1841. The section referred to, according to the construction put upon it, requires the department to invest all moneys held in trust for Indian tribes in stocks of the United States.

There are now funds in the treasury to a considerable amount, arising from accrued interest, lands, &c., which it would be good policy to invest; but in view of the fact that United States stocks are held at a very high price in comparison with safe State stocks bearing a like rate of interest, and inasmuch as the government is itself engaged in purchasing in its stocks at a high premium, it has been deemed best to await the approaching session of Congress, in the hope that it will take such action as may be necessary to extend the authority and option of the Secretary of the Interior in regard to the investment of the moneys of Indian tribes.

The fifth, and by limitation of law the last, volume of the work containing information relative to the history, present condition, and prospects of the Indian tribes in the United States, is in press, and it is hoped will be ready for distribution before the close of the next session of Congress.

I deem it proper to call attention to the claims of Indians to land bounty for military services rendered to the United States. Under the act of September, 1850, a considerable number of such claims were presented and allowed; but a decision having been made that Indians are not embraced by that act, there are many equally just remaining unsatisfied. The subject not having been under the jurisdiction of this office, I am not apprized of the particular grounds of that decision; but the distinction made has caused much dissatisfaction; and as it is but just that all should be compensated for their services, I would recommend such legislation as may be deemed necessary to secure them the value of this right in money, and providing for the adjudication of their claims in this office.

In several of the western States and Territories there are bands of strolling Indians, who have from time to time become severed from the tribes to which they belong. They are generally in a deplorable condition, and are a great annoyance to the white population. They ought to be removed to their tribal home, or some other disposition made of them; and to accomplish which an appropriation by Congress will be necessary, as there are now no funds at the disposal of the department applicable.

I deem it my duty to call attention to a recent transaction

of a character clearly illustrating the propriety and duty of strictly adhering to the policy of exercising, as far as possible, such a supervision and control over the moneys payable to the Indians as will secure to them the full benefit thereof, and prevent their being fleeced by designing men, under corrupt and iniquitous contracts or obligations, which in their ignorance and simplicity they have been induced or seduced to sign; or by the recognition and allowance of claims and demands against them having no foundation in right or justice.

It having become known that the Menomonce Indians had manifested dissatisfaction with the treaty made with them in 1848, and that they were probably entitled to a larger compensation than that stipulated for the lands which they thereby ceded, they were induced to enter into a contract with an individual to prosecute a claim against the government therefor, and to agree to allow him one-third of the sum which might be recovered. About the same time a large amount of claims of traders and others were raked up to be prosecuted against the Indians, and to be paid out of such sum, although a fund had been set apart by the treaty of 1848, and applied by the Indians to the settlement and payment of their indebtedness, and which was doubtless considered amply sufficient to cover all the just and valid claims against them. The compensation for the prosecution and recovery of these claims against the Indians was understood to be one-half the amount so recovered. The two transactions were apparently in different hands, but there can be no doubt but that they were the joint and partnership operations between some three individuals. See accompanying papers in the Appendix, marked A, B, C, D, E, F, G, H, I, J, K, L, M, N, and O, of which B, C, F, G, and H but recently came into the possession of this office, and to all of which your particular attention is called. Letter H is a copy of an agreement with an individual who had but recently been the agent for the Indians, and was therefore, doubtless, supposed to be able to exercise an influence over them by which, for a contingent compensation of \$10,000, he was obligated to throw no obstacle in the way of the transactions, but to aid and assist in both—in obtaining the largest possible sum from the government for the Indians, and all the claims against the latter that could be procured to be paid out of that sum. There was thus to be a speculation of considerable magnitude, and of a three-fold character. The government, the Indians, and the alleged or pretended claimants against the latter, were all to be levied on. By ingenuity

and skilful calculation, the claim in behalf of the Indians was worked up to half a million of dollars, and those against them to about ninety thousand dollars; the third part of the one and the half of the other—amounting to upwards of two hundred and eleven thousand dollars, which, less the \$10,000 to be paid under the agreement mentioned, was, in case of success of the scheme, to be divided mainly or entirely between some three individuals—making quite a handsome fortune for each, out of one poor, miserable Indian tribe; to say nothing of the further drafts which would no doubt have been made on the Menomonee portion of the fund if the plan had succeeded.

Having become satisfied from an examination into the affairs of the Menomonees, and their relations with the government, that they were justly entitled to some additional compensation for the lands ceded by them under the treaty of 1848, in consequence of the quantity thereof having been under-estimated at the time that treaty was made, and also that the country thereby assigned to them west of the Mississippi was not suitable for them, the supplemental articles of May 12, 1854, referred to elsewhere, were entered into, by which they were given another and an acceptable home, and an additional allowance made to them of \$150,000, which was increased by the Senate's amendment in the sum of \$92,686; making the sum allowed to them \$242,686, to be divided into fifteen annual instalments, commencing with the year 1867; and which is solemnly and sacredly pledged to be paid and applied under the special direction of the President of the United States, in such manner, and for such purposes, as will best tend to improve their condition and promote their permanent welfare. And any diversion of this fund for any purpose in the slightest degree interfering with these great and beneficent ends would be not less disgraceful to the government than it would be injurious to the Indians.

In the adoption of this measure of justice towards these Indians, the department acted upon the principle announced in the last annual report, and which I take occasion here to repeat, "that there is no absolute necessity for the employment by Indian tribes of attorneys or agents to attend to their business at the seat of government;" and that, in their dependent condition, "it is the duty of government, as their guardian, to cause all matters of a business character with them to be so conducted as to preclude the necessity of the intervention of this class of persons." The new arrangement with the Menomonees was made not only without any such intervention in their favor, but, as is well known, con-

trary to the wishes of the person or persons assuming to act as their attorneys, and in despite of such influences as they could bring to bear against it; and yet these individuals have had the assurance and hardihood to go into the country of these poor, deluded, unlettered Indians, and surreptitiously obtain from them the papers marked L, M, and N, (appendix,) for the purpose of filching from them the sum of \$168,331 67, of which \$80,895 33 to be for the payment of an unjust and unfounded claim for services in procuring the additional allowance which was voluntarily made to them through the instrumentality of the department and the Senate; and \$87,436 34 for various other claims against them, which, in view of the settled policy of the government, it is not in the slightest degree bound to recognize or respect, and which possibly are entitled to as little consideration on the score of justice as the other demand. These sums, too, are sought to be obtained from the amount allowed by the supplemental agreement with these Indians, which, as already stated, is otherwise sacredly pledged, and which cannot be diverted without a violation of plighted faith and justice. I cannot forbear expressing the hope that all persons having any agency in the administration of Indian affairs, whether connected with the executive or legislative departments of the government, now or hereafter, will resolutely set their faces against and frown down all attempts to secure the allowance or payment of such unauthorized and improper demands against the Indians.

For his culpable disregard of the policy of the department, and his duty towards the Indians, in having anything to do with these proceedings, the sub-agent who certified and authenticated one of the papers last referred to has been summarily dismissed from office.

The instruments marked M and N in the schedule are in the handwriting of one of the individuals whose name is attached to the contingent contract (II) with the late sub-agent; and the interpreters and other persons who attest the execution of M are to receive of the funds pretended to be assigned and appropriated by the Indians, by virtue of the same, to themselves and their assigns, the sum of \$28,311 95, they being, without exception, interested parties.

This transaction among the Menomonees has not been referred to as an isolated case, but as a sample of a class, and illustrative of the outrageous and iniquitous attempts of unscrupulous white men to enrich themselves out of the funds of the Indians. The pecuniary losses to the latter comprise only a minor portion of the injurious concomitants

and results of such attempts. The Indians—particularly the chiefs and leading men—are frequently bribed, and otherwise corrupted and demoralized, in order to obtain their assent to being defrauded, while the agents and others connected with the Indian service, do not always escape the prevailing contamination. Among the Menomonees the fatal tendency and effect of such occurrences may be seen in the intemperate and demoralized habits and condition of Osh-kosh, principal chief, and many others of the tribe.

But the evil is a general and growing one; formidable in its combinations and alarming in its results, and therefore requiring the speedy application of the most radical and effectual remedy. All executory contracts, of every kind and description, made by Indian tribes or bands with claim agents, attorneys, traders or other persons, should be declared by law null and void, and an agent, interpreter, or other person, employed in or in any way connected with the Indian service, guilty of participation in transactions of the kind referred to, should be instantly dismissed and expelled from the Indian country; and all such attempts to injure and defraud the Indians, by whomsoever made or participated in should be penal offences, punishable by fine and imprisonment. We have now penal laws to protect the Indians in the secure and unmolested possession of their lands, and also from demoralization by the introduction of liquor into their country, and the obligation is equally strong to protect them in a similar manner from the wrongs and injuries of such attempts to obtain possession of their funds.

In this connexion I deem it appropriate to respectfully remark, that where, as is sometimes the case, laws are passed providing for the payment of large sums of money for alleged obligations arising in this branch of the public service, without the department having an opportunity of examining into or passing upon the accounts and other evidences of such claims, the effect is to deprive it of that salutary control over the important interests committed to its charge which is so necessary to a successful administration of its affairs; and it cannot and should not, in such cases, be held responsible for the consequences.

In carrying out all the plans heretofore devised for ameliorating the condition of the aborigines of our continent, difficulties have arisen and obstacles presented themselves on every side; and it seems impossible now to devise any means for attaining these desirable ends, by which all difficulties could be obviated and all obstacles avoided.

But partial success has attended the labors of the benevo-

lent; and the efforts of the department when most faithfully directed have not unfrequently proved a positive injury. Adverse elements have always been at work to thwart the wishes of the government and counteract the labors of the philanthropist; and these have unfortunately been but too often successful. Our former policy, and the inveterate determination of the Indian to resist domestication, have combined to place him in a situation where the lawless and unprincipled could always have access to him; and such persons have, through all periods of our history, availed themselves of every opportunity to advise the ignorant and unlettered child of the forest against his best interests, and have but too successfully instilled into his mind prejudices against those who were laboring for his good.

Thus have the merciless and heartless followed in his path; flattered his vanity, corrupted his morals, impressed upon and confirmed him in the belief that labor and the arts of peace are degrading, and his submission to them offensive to the Great Spirit; and directed and controlled his action and made him the victim of their avarice.

Such influences are believed to be as formidable, and more unscrupulous now than at any former period of our history; and when we add to them the train of ever-recurring and never-ending difficulties that beset the path of the weaker in the battle of life with the stronger race, we perceive in the present condition of the red man, and the dangers that encompass him, additional motives to call into active exercise in his behalf all the energies of the benevolent and good of the land.

As a Christian government and people, our obligations and duties are of the highest and holiest character, and we are accountable to the Maker of all men for the manner in which we discharge them. Having faithfully employed all the means placed within our reach to improve the Indian race, and preserve it from extinction, we can, with a good conscience and strong faith, leave the issue in the hands of our common Father.

Respectfully submitted:

GEO. W. MANYPENNY,
Commissioner.

Hon. R. McCLELLAND,
Secretary of the Interior.

IX.—THE PENSION OFFICE.

REPORT OF THE COMMISSIONER OF PENSIONS.

PENSION OFFICE,
October 10, 1854.

SIR: In pursuing the business of this bureau since my last annual report, the division into classes therein indicated has been observed. The result of our operations in applications relating to pensions, during the year ending June 30, 1854, and in applications relating to bounty lands, ending September 30, 1854, is as follows:

I.—REVOLUTIONARY PENSIONS.

There has been no adjudication of cases under the act of March 18, 1818. The whole number of pensioners under this act now upon the list is 175. The semi-annual payments during the year have been made to 206 pensioners.

There have been six cases admitted under the act of May 15, 1828, in which the annual allowances amounted to \$656. The arrearages due upon these claims, and paid during the year, amount to the sum of \$6,228. The number of pensioners now upon the list, under this act, is eighteen. The number paid during the year is twenty-six.

One hundred and seven original applications have been admitted under the act of June 7, 1832. The annual stipend of all these applications was \$8,602 73. Fifty-four applications have been increased under this act; the annual increase of all being \$3,205 75. The arrearages due upon these several applications, and paid during the year, amount to the sum of \$90,356 56. The number of pensioners now upon the list under this act, is 876. The number paid during the year is 847.

Two applications have been increased under the act of July 5, 1832; and the arrearages, amounting to the sum of \$297 46, have been paid. There are no pensioners under this act now upon the list. The persons who rendered the service which entitled them to the provisions of this act are all deceased,

and the applications that now remain unsatisfied are presented and prosecuted by their legal representatives. It is believed that most of the real claims under this act have been adjudicated; yet inquiries are often made in relation to applications on file, and the suspended applications, numbering about one hundred, are the subject of frequent and often laborious examinations.

Fifty-seven original applications have been allowed under the third section of the act of July 4, 1836. The annual pay in these applications was \$6,284 97. Twenty-five applications under this section have been increased, amounting to the sum of \$2,504 05 annually. The arrearages under this section found due and paid, during the year, amount to the sum of \$71,304 45. The number of pensioners now upon the list, under this section, is two hundred and eighty-eight.

One hundred and sixty-nine original applications have been admitted under the act of July 7, 1838. The annual pay was \$12,598 44. Thirty-four applications have been increased, amounting to the sum of \$2,337 35 annually. Under the acts of March 3, 1843, and June 17, 1844, which are a continuation of the act of July 7, 1838, one hundred and fifty-seven applications have been admitted, at the annual sum of \$10,618 44; and thirty-one applications have been increased the sum of \$1,662 29 annually. Under the act of February 2, 1848, one hundred and sixty-five applications have been admitted at the annual sum of \$9,172 37; and forty-four applications have been increased the sum of \$1,353 53 annually. Under the act of July 29, 1848, and the resolution of July 1, 1848, one hundred and ten applications have been admitted at the annual sum of \$6,897 40. The arrearages of pension found due in the applications under the five last named acts, and which have been paid during the year, amount to the sum of \$178,040 57. As the acts of July 7, 1838, March 3, 1843, and June 17, 1844, give a pension for a limited number of years, which have already expired, the payments under them are now made to each recipient at one time; consequently, there are no pensioners now on the list under these several acts.

The acts of February 2, 1848, and July 29, 1848, continue the pensions during widowhood. The whole number of pensioners under these two acts upon the list is three thousand three hundred and seventy-five. The number paid during the year is three thousand one hundred and twenty-five.

Two thousand and forty applications have been admitted

under the second section of the act of February 3, 1853, at the yearly sum of \$162,763 58; and fourteen have been increased \$784 38 annually. The arrearages found due upon these applications, and paid during the year, amount to the sum of \$180,750 94. The whole number of pensioners under this section now upon the list is two thousand three hundred and nineteen.

In my last annual report I noticed the fact that the widows of the officers, non-commissioned officers, mariners, and marines, who served in the navy of the United States during the revolutionary war, were not provided for by this act. I then had no doubt, and still remain of the same opinion, that this omission was purely accidental. In all other pension acts relating to revolutionary service no distinction is made between sea and land service; nor can it be supposed that it was the intention of Congress to make any invidious distinction in this act. As this omission is one which Congress only can remedy, I would most earnestly recommend that the matter be presented to their early notice. The number of persons to be benefited by this addition is very small, and cannot exceed twenty-five; but whether the number be small or large, it is an act of justice that should be no longer delayed.

From the preceding statements it will be seen that three thousand and thirteen applications for pensions under the acts relating to revolutionary services have been favorably adjudicated during the year, and that upon these applications the arrearages of pension found due and paid amount to the sum of \$529,295 63. Of these applications one hundred and sixty-seven were in the names of the soldiers of the revolution, upon which the arrearages amount to the sum of \$96,584 56, and two thousand eight hundred and forty-six applications were in behalf of the widows of revolutionary soldiers, upon which the arrearages amount to the sum of \$432,711 07. By arrearages of pension is meant the sum that is due upon the claim at the time it is adjudicated. The whole number of male pensioners under these various acts now upon the list is one thousand and sixty-nine. The whole number of females is five thousand nine hundred and eighty-two.

The whole amount paid to revolutionary pensioners, whose names were upon the list at the commencement of the last fiscal year, by the agents for paying pensions, is \$378,975 33. The amount paid by the Treasurer to those pensioners who had neglected to apply to the usual paying agents for fourteen months is \$12,368 85. The whole amount paid during

the year on account of revolutionary services is \$920,639 81. As the sum due pensioners at the expiration of the fiscal year, which will be paid during the current year, is supposed to be as large as the sum due pensioners at the commencement of the fiscal year and paid by the Treasurer, the sum last mentioned may be assumed as an approximation to the exact sum due pensioners for revolutionary service during the last fiscal year. When it is considered that the war in which these services were rendered terminated more than seventy years ago, and that but very few who were even cotemporary with these services now survive, it must be conceded that this is a very liberal disbursement from the treasury by way of pensions, and will be conclusive that this government is not justly chargeable with the sin of ingratitude.

Much of the labor in this division now consists in answering inquiries of persons relating to the revolutionary services of their ancestors, and giving them information in respect to the condition of the applications by them heretofore presented. Many of these inquiries are prompted by curiosity, but more from interest, with a hope that some arrearages remain unpaid. These inquiries should be promptly and correctly answered. To enable us to do so, a well arranged index of all the adjudicated claims is indispensable. The only substitutes now in use are hasty and imperfectly prepared registers, well calculated to mislead those that are not well versed in all their intricacies. Feeling the importance of some better guide, I early obtained your consent to have a systematic arrangement of these claims so made that the history of each could be traced from its commencement to its close at a single glance. This work has been commenced under the superintendence of a gentleman well fitted for the task, who has nearly completed the arrangement in three of the States. The great advantages expected from this arrangement are more than realized in the examination of applications in these States, and urge us to a more vigorous prosecution of the work. As the ordinary business in this division diminishes, more attention can be given to this matter, and the whole be completed at no distant day.

II.—HALF-PAY PENSIONS FOR FIVE YEARS.

The acts relating to this class of pensions now executed in this bureau are those of March 19, 1836, July 4, 1836, July 21, 1848, February 22, 1849, and February 3, 1853. Eleven original applications have been admitted under the 1st section of the act of July 4, 1836. The annual payments

in these cases amount to \$420. One application has been increased eighteen dollars annually. One hundred and fifty-two applications have been admitted under the acts of July 21, 1848, and February 22, 1849, the annual payments of which amount to \$9,946. One thousand four hundred and thirty-nine applications have been admitted under the 1st section of the act of February 3, 1853, at the annual sum of \$92,900. The whole number of pensioners now upon the list under these various acts is two thousand and eight. As most of the pensioners under the preceding acts are paid from the same appropriation as the revolutionary pensioners, under the acts of July 4, 1836, and February 3, 1853, the precise number of each class that have been paid during the past year cannot be readily ascertained.

It is to be observed that the widows of the officers and soldiers of the regular army, whose husbands died in service in time of peace, are not entitled to the provisions of these acts; while the widows of seamen under similar circumstances are entitled to benefits of a kindred character. It is a notorious fact that the widow of the soldier is often left in destitute circumstances, and his minor children cast upon the charities of the world. The occupation and pay of a soldier are incompatible with the acquisition of wealth, and he is often destitute of that providence which secures a competency for future wants. He seldom serves his country under the promptings of avarice, but for that love of honor and renown which does not furnish aliment for the hungry or clothing for the destitute. At the close of an eventful life it is often a source of the bitterest anguish to the generous-hearted soldier that he must leave the objects of his tenderest affection without the means of a comfortable support. To remedy these evils, and to place the soldier and sailor in this respect upon the same footing, I would recommend the passage of a law allowing the widows and minor children of the officers and soldiers of the regular army who die in service half-pay for five years, under the usual limitations and restrictions.

There are a number of acts of Congress giving half-pay for five years to widows and orphans of officers and soldiers of the army that are now executed in the office of the Third Auditor of the Treasury. As these acts are of the same general character as those above referred to, which are executed in this office, and as the applications under them are not now very numerous, and oftentimes intimately connected with the applications here adjudicated, I would suggest that the further execution of those acts be transferred to this bureau.

III.—INVALID PENSIONS.

Two hundred and thirty-seven original applications have been admitted to the list of invalid pensioners during the year, at the annual sum of \$20,688. One hundred and five applications have been increased the sum of \$4,106 54 annually. The whole number of invalid pensioners now upon the list is five thousand and six. The number paid during the year is four thousand four hundred and eighty-six. The annual sum required to pay this class of pensioners is \$444,714 27. The number of suspended applications in this division is very large, and many of them of very ancient date. The labor of adjudicating claims in this division is becoming more difficult, and requires great discrimination and care. When the disability must have been occasioned by some known wound received in the line of duty, the connexion between the cause and the effect was obvious and easily traced. But since persons may receive pensions for disabilities arising from diseases contracted in the service, the task of connecting the result with the cause assigned is more perplexing. We are often required to look for the cause of a present disability to some disease the applicant may have contracted in service more than forty years ago, and to distinguish between the infirmities incident to old age and the innovations upon health resulting from the privations of military life. In these cases much reliance must be placed upon the opinions of medical gentlemen respecting the cause of the disability as well as its degree. We have derived essential aid in these examinations from advice received from the office of the surgeon general, for which our acknowledgments are due.

The people of this country have ever regarded it a duty to sustain those who become disabled in military service. In 1776 the Continental Congress promised pensions, during the continuance of disability, to the officers and soldiers of the army disabled in service. In 1785 the same body strongly urged upon the State governments to make provision for such invalids as were residents in their respective limits; and it was among the first acts of the first Congress under the constitution to provide for the payment of the pensions granted by the States. Subsequently, the whole matter of invalid pensions was assumed by the federal government, and ample provision made not only for those that were disabled in the war of the revolution, but also for those that were disabled in subsequent wars and in the peace establishment.

The first appropriation by Congress for the payment of invalid pensions was made July 16, 1790, and amounted to

the sum of \$96,979 72. For the ten years next succeeding, the annual appropriations for this object averaged \$90,791 58. From 1800 to 1803, inclusive, the annual appropriations were \$93,000. From 1804 to 1815, inclusive, the annual appropriations were \$98,000. For the first ten years after 1815, the annual average appropriations were about \$256,000. From 1826 to 1848, inclusive, the annual appropriations for invalid pensions averaged about \$180,000. Since the year 1848 the annual appropriations for this object amount to nearly \$405,000. From present indications, this sum cannot for some years be materially diminished.

The persons who received invalid pensions for disabilities incurred in the revolutionary war have, with one exception, it is believed, ceased to be pensioners. Nearly the whole of the present expenditure, therefore, for this class of pensions, is for disabilities received in subsequent wars, and in the peace establishment. A comparison of the present expenditure with that of any other period since the revolution, leads to the conclusion that the facilities for obtaining invalid pensions have not been diminished, if, indeed, the benevolent designs of the government have not been abused.

Further experience has confirmed the convictions expressed in my last annual report, that many persons are improperly enjoying the beneficence of government, intended only for the infirm and disabled. In cases where persons have been placed upon the list through misrepresentation and fraud, they can be stricken therefrom without ceremony; but in cases where the applicant, at the time of his admission, was laboring under a disability supposed to have been permanent, but which has yielded to the recuperative power of youth and a vigorous constitution, some further legislation is needed. If Congress is unwilling to re-enact the provisions of the law of March 3, 1819, requiring biennial examinations, it is hoped provision will be made for a re-examination of those cases in which the Commissioner of Pensions shall, from reliable information, have good reason to believe the pensioner has recovered from the disability for which he was pensioned. It affords me pleasure to say, that in two instances where officers in the Mexican war were placed upon the pension list for supposed permanent disabilities, from which they have recovered, they have voluntarily relinquished their pensions, and asked to have their names stricken from the roll. Such rare examples of strict integrity and honesty should be placed before the public as worthy of universal commendation—I allude to the cases of

Capt. Thomas H. Ford, of the State of Ohio, and Capt. John L. McConnell, of the State of Illinois.

IV.—NAVY PENSIONS.

In this division thirty-eight persons have been admitted to the list of invalid pensions at the annual sum of \$2,034 50. The amount of arrearages on these several claims, including the current pension, is \$1,756 79. The claims of thirty-two widows have been admitted amounting annually to the sum of \$4,404. The amount of arrearages found due on these claims, including the current pension, is \$17,184 28. Eleven claims of orphans have been admitted, amounting annually to the sum of \$2,190. The arrearages in these cases, found due and paid, including the current pension, amount to the sum of \$10,157 62. It will be observed that the arrearages of pension in the invalid cases are less than the current pension, while they greatly exceed the current pension in the case of widows and orphans. The reason of this difference is, that invalid pensions are made to commence at the date of completing the evidence in the case, while the pensions to widows are made to commence from the day of their husbands' death, and to orphans, from the date of their fathers' decease, when no widow survives; and in case of a widow's surviving, from her death or marriage.

The number of invalid pensioners now upon the roll is.....	497
The amount of money required to pay these annually is.....	\$30,558 95
The number of widows upon the navy pension list is.....	442
The sum required for their annual payment is...	91,176 00
The number of cases payable to orphans is.....	78
The amount of money necessary to pay them annually is.....	9,516 00

In adjudicating claims in this division, it has been a primary object to make the practice correspond with the practice in other divisions of a similar character, in order to obtain a more uniform system. To effect this, a declaration, with proof of identity, in invalid applications, is now required; and the discretion heretofore exercised in fixing the time when such pensions should commence, has yielded to the long-established rule in other invalid applications.

A cursory glance at the laws relating to navy pensions cannot fail to convince any person that some modification is required, so that the practice of the office, which is believed to be in accordance with the benevolent spirit in which they

were passed, may not conflict with the letter of the law. For example: the act of June 30, 1834, contains a provision that "the pensions of such widows shall commence from the passage of this act." A literal compliance with this provision would give a widow whose husband died after the passage of the law a pension for the time he received his pay in the service. This provision is construed to mean *from the death of the husband, or from the expiration of a former pension*, instead of from the passage of said act. The act of March 3, 1845, intended to authorize the renewal of certain pensions, uses this language: "which pensions have ceased in consequence of the expiration of the period for which they were originally granted." This expression was first construed to embrace only such pensions as had expired at the date of such act, but is now construed to include all pensions of that class, whether they expired before or after the date of said act. The act of August 11, 1848, provides for the payment of the pension to the orphan children of deceased parents, "after the death of the widow;" but makes no provision, in terms, for the orphan, when no widow has survived. This act is now construed so as to give a pension to the orphan children where the father has died without leaving a widow! All navy pensions are graduated by the pay of the navy, as it existed on the first day of January, 1835. Since that date changes have been made, by introducing new grades of officers into the service. It is obvious that pensions on account of the services of these officers cannot be graduated by any positive provision of law.

The only effective remedy for these various defects, and others not here noticed, is the passage of an act, simple in its provisions and clear in its details, embracing the principles and carrying out the manifest intention of Congress in its previous action upon this subject.

The pensions of petty officers, seamen, ordinary seamen, landsmen, boys of the navy, marines, and their widows and orphans, are disproportionate to other pensions. For example: if a seaman be totally disabled he can only receive three dollars and fifty cents a month, while a marine, for the same disability, can receive six dollars a month, and a private soldier of the army can receive eight dollars a month. This subject attracted the favorable notice of the Senate Committee on Pensions during the last session of Congress, and should receive prompt legislative action.

The widows and orphans of those who serve in the navy are entitled to pensions only when their husbands or fathers have died in service. There are instances where officers and

seamen have been compelled to leave the service on account of wounds received or of diseases contracted in the line of duty, and have died from those wounds or of those diseases. It is respectfully submitted that the benefits of the pension laws for naval service be extended to the widows and orphans of those who may die from wounds received or of diseases contracted in service, though they may not be in actual service at the time of their decease. The act of May 31, 1854, made an appropriation for the payment of the arrears due those persons who had been placed upon the invalid privateer pension list between July 1, 1851, and June 30, 1854, inclusive. There is no provision for the payment of this class of pensions subsequent to the day last mentioned. Only nineteen applications have been made under the last-mentioned act, and two of those were in right of deceased pensioners. The number of those that might present claims should further provision be made for their payment cannot be accurately stated, but from the best data we have it will not exceed twenty-two. The annual payments to this number will probably amount to \$2,200. No further payments can be made to this class of pensioners without further legislation.

V.—BOUNTY LANDS.

1. Bounties for revolutionary services and service during the war of 1812.

The business of this desk was suspended from June 26, 1853, to February 8, 1854, because there was no law in force during that time under which these claims could have been adjudicated. On said 8th day of February a bill for a public act reviving and extending former acts upon this subject for a period of five years from June 26, 1853, was approved. From the 8th day of February to the 30th of September, 1854, we have issued five warrants, amounting to seven hundred and twenty acres, for revolutionary services. Sixty-seven warrants for one hundred and sixty acres each, and one warrant for three hundred and twenty acres—making a total of eleven thousand and forty acres—have been issued for services in the war of 1812 during the same time. Eighteen new certificates of right to locate warrants of one hundred and sixty acres each, one new certificate of right to locate a warrant of three hundred and twenty acres, which warrants were previously issued, but not patented, have been issued during the time aforesaid. The total amount of acres contained in warrants issued under the acts of 1811, 1812, and 1814, for services during the war of 1812, to September 30, 1854, is four million eight hundred and thirty-four thousand

nine hundred and seventy-two. One hundred and twenty-seven existing claims for one hundred and sixty acres each, under these acts, have been established, and warrants will be issued as soon as the evidence of heirship is furnished. The number of suspended claims under these acts is four hundred and fifty.

2. Bounties under the act of February 11, 1847.

The whole number of applications for land under this act for the year ending September 30, 1854, is.....1,522
The number for money in lieu of land is..... 1

Total.....1,523

Seven hundred and fifty-four warrants for 160 acres each, five hundred and forty-one for 40 acres each, and one certificate for \$100 in lieu of land, have been issued on these applications, and two hundred and twenty-seven have been suspended or rejected.

The whole number of applications under this act for land is 93,144

The whole number of applications for money in lieu of land is..... 4,340

Total..... 97,484

These applications have been disposed of as follows:

				Cases.
Warrants for 160 acres each have been issued in.....				79,483
Do. 40 do. do.				7,289
Certificates for scrip of \$100 each in lieu of land in....				2,269
Do. do. 25 do. do.				460
Do. money 100 do. do.				450
Do. do. 25 do. do.				59
Applications suspended or rejected.....				7,474

97,484

The total amount of land-warrants already issued under this act for service in the Mexican war will cover 13,008,840 acres.

The amount of money paid in lieu of land is \$3,238.

3. Bounties under the acts of September 28, 1850, and March 22, 1852.

The number of applications in the hands of the examiners, and at the rolls on the 30th day of September, 1853, was..... 3,619

Applications under the act of September 28, 1850, have been received during the year ending September 30, 1854, as follows:

For service in the war of 1812.....	9,854
For service in the Florida and other Indian wars.....	604
For services as commissioned officers in Mexican war.....	183
	<hr/> 10,641
The whole number of applications under the act of March 22, 1852, is.....	1,328
Applications on the suspended files September 30, 1853.....	50,713
	<hr/> 66,301

These applications have been thus disposed of:

The number of warrants issued upon them, under act of September 28, 1850, to September 30, 1854, is.....	13,773
The number issued under act of March 22, 1852, is.....	2,593
Applications in hands of examiners and at rolls.....	188
Applications on suspended files September 30, 1854.....	49,747
	<hr/> 66,301

Duplicate and triplicate warrants have been issued during the year as follows:

Under act of September 28, 1850, seventy-three for 160 acres each, one hundred and fifty for 80 acres each, and one hundred and eighty-four for forty acres each; under act of March 22, 1852, four for 160 acres each, three for 80 acres each, and sixteen for 40 acres each—making a total of four hundred and thirty warrants.

Warrants have been cancelled during the year as follows, to wit:

Under act of September 28, 1850, ninety warrants for 160 acres each, two hundred and forty-seven for 80 acres each, and five hundred and forty-three for 40 acres each; under act of March 22, 1852, ten warrants for 160 acres each, fourteen for 80 acres each, and thirty for 40 acres each. The whole number of warrants cancelled is nine hundred and thirty-four, for fifty-nine thousand eight hundred acres of land.

The whole number of applications for land bounty, under the act of September 28, 1850, to September 30, 1854, is as follows:

For services in the war of 1812.....	181,726
Do in the Indian wars since 1790.....	47,705
Do in the war with Mexico by officers.....	3,734

The number under act of March 22, 1852, to same date..... 13,966

Total..... 247,131

Upon these applications the following action has been had:

Warrants issued for 160 acres each..... 27,997

Do. do. 80 do. 58,408

Do. do. 40 do. 110,791

Number of applications in hands of examiners and at rolls..... 188

Applications on suspended files September 30, 1854, 49,747

Total..... 247,131

Warrants covering 13,583,800 acres of land have already been issued under the acts of September 28, 1850, and March 22, 1852. The total amount of land warrants issued to the soldiers of all the wars since 1790 contain 31,427,612 acres.

The practice of presenting duplicate applications for land from different States, or for different periods of service from the same State, by the same person, has been detected in this division. Instances have been discovered where the same individual has obtained two and three warrants in this way. To guard against this abuse, and for other purposes, it has been deemed advisable to make a complete alphabetical index of all applications presented to this office, with an analysis of the service and the action of the office in each case. This work has been commenced, and, though it is one of great labor, yet it has been found, so far as completed, of greater assistance in detecting attempts at fraud in this branch of our business than was expected, and of sufficient importance to warrant its completion.

The subject of the frauds upon this bureau attracted the attention of Congress during its last session, and a call was made upon the Secretary of the Interior for information concerning them. In answer to this call, a detailed report from this office was, on the 15th day of May last, submitted to you, giving a statement of the operation of this bureau from the 1st of April, 1853, to that date. The following extracts from that report give a summary of the number and extent of the frauds in revolutionary cases, and the number of persons detected in fraudulent practices, then discovered:

"From the preceding statements it will be seen that frauds in revolutionary cases have been detected in ten States, that fifty-four cases have been found to be fraudulent, of which

twenty-nine have been admitted and twenty-five rejected. The amount of money abstracted from the treasury in these cases is \$68,232, and the amount claimed in cases that have been rejected because of their being fraudulent is \$44,042."

* * * "The whole number of persons connected with the frauds upon this bureau that have been detected under such circumstances as to leave no reasonable doubt of their guilt is twenty-six. Of this number seven have been convicted, and sentenced to hard labor in the penitentiary; one has died; one has committed suicide; six have forfeited their bonds and fled their country; nine are now waiting their final trial; and two, against whom bills of indictment have been found, have not yet been arrested."

Since the date of this report six fraudulent revolutionary cases have been detected, and traced to one person, who has been arrested, held to bail, and has forfeited his bond, amounting to the sum of \$5,000. Three persons have been detected in presenting fraudulent papers in applications for bounty land, and have been arrested and held to bail. One of them has forfeited his bond. The number of persons against whom bills of indictment have been found, up to September 30, 1854, is thirty. Nine of these have been convicted; eight have forfeited their bonds and fled; one has died; one has committed suicide; two have not yet been arrested; and nine await their final trial.

Several cases have been discovered which are clearly fraudulent, but which have not been prosecuted, because the fraudulent acts were committed more than two years before the discovery was made. The importance of changing the statute of limitations in regard to these offences was noticed in my last annual report. I can only repeat the earnest recommendation then made.

The current business of this bureau was brought up to date about the first of December last, and has been kept up since that time. The attainment of this desirable object is mainly attributable to the energy and industry of the clerical force, which is now fully adequate for all the service required of this bureau. The general fidelity of the gentlemen composing this force deserves and receives my commendation.

I have the honor to be, very respectfully, your obedient servant,

L. P. WALDO,
Commissioner of Pensions.

HON. R. McCLELLAND,
Secretary of the Interior.

X.—INTERNAL IMPROVEMENTS.

SPECIAL MESSAGE OF THE PRESIDENT.

To the Senate and House of Representatives:

In returning to the House of Representatives, in which it originated, a bill entitled "An act making appropriations for the repair, preservation, and completion of certain public works, heretofore commenced under authority of law," it became necessary for me, owing to the late day at which the bill was passed, to state my objections to it very briefly, announcing, at the same time, a purpose to resume the subject for more deliberate discussion, at the present session of Congress: for, while by no means insensible of the arduousness of the task thus undertaken by me, I conceived that the two Houses were entitled to an exposition of the considerations which had induced dissent, on my part, from their conclusions in this instance.

The great constitutional question, of the power of the general government in relation to internal improvements, has been the subject of earnest difference of opinion, at every period of the history of the United States. Annual and special messages of successive Presidents have been occupied with it, sometimes in remarks on the general topic, and frequently in objection to particular bills. The conflicting sentiments of eminent statesmen, expressed in Congress, or in conventions called expressly to devise, if possible, some plan calculated to relieve the subject of the embarrassments with which it is environed, while they have directed public attention strongly to the magnitude of the interests involved, have yet left unsettled the limits, not merely of expediency, but of constitutional power, in relation to works of this class by the general government.

What is intended by the phrase "internal improvements?" What does it embrace, and what exclude? No such language is found in the Constitution. Not only is it not an expression of ascertainable constitutional power, but it has no sufficient exactness of meaning to be of any value as the basis of a safe conclusion, either of constitutional law or of practical statesmanship.

President John Quincy Adams, in claiming, on one occa-

sion, after his retirement from office, the authorship of the idea of introducing into the administration of the affairs of the general government "a permanent and regular system" of internal improvements, speaks of it as a system by which "the whole Union would have been checkered over with railroads and canals," affording "high wages and constant employment to hundreds of thousands of laborers;" and he places it in express contrast with the construction of such works by the legislation of the States and by private enterprise.

It is quite obvious, that, if there be any constitutional power which authorizes the construction of "railroads and canals" by Congress, the same power must comprehend turnpikes and ordinary carriage roads; nay, it must extend to the construction of bridges, to the draining of marshes, to the erection of levees, to the construction of canals of irrigation—in a word, to all the possible means of the material improvement of the earth, by developing its natural resources, anywhere and everywhere, even within the proper jurisdiction of the several States. But if there be any constitutional power, thus comprehensive in its nature, must not the same power embrace within its scope other kinds of improvement of equal utility in themselves, and equally important to the welfare of the whole country? President Jefferson, while intimating the expediency of so amending the Constitution as to comprise objects of physical progress and well-being, does not fail to perceive that "other objects of public improvement," including "public education," by name, belong to the same class of powers. In fact, not only public instruction, but hospitals, establishments of science and art, libraries, and indeed everything appertaining to the internal welfare of the country, are just as much objects of internal improvement, or, in other words, of internal utility, as canals and railways.

The admission of the power in either of its senses, implies its existence in the other; and since, if it exists at all, it involves dangerous augmentation of the political functions and of the patronage of the federal government, we ought to see clearly by what clause or clauses of the Constitution it is conferred.

I have had occasion more than once to express, and deem it proper now to repeat, that it is, in my judgment, to be taken for granted, as a fundamental proposition not requiring elucidation, that the federal government is the creature of the individual States, and of the people of the States severally; that the sovereign power was in them alone; that all the

powers of the federal government are derivative ones, the enumeration and limitations of which are contained in the instrument which organized it; and by express terms, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

Starting from this foundation of our constitutional faith, and proceeding to inquire in what part of the Constitution the power of making appropriations for internal improvements is found, it is necessary to reject all idea of there being any grant of power in the preamble. When that instrument says: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity,"—it only declares the inducements and the anticipated results of the things ordained and established by it. To assume that anything more can be designed by the language of the preamble, would be to convert all the body of the Constitution, with its carefully weighed enumerations and limitations, into mere surplusage. The same may be said of the phrase in the grant of the power to Congress, "to pay the debts and provide for the common defence and general welfare of the United States;" or, to construe the words more exactly, they are not significant of grant or concession, but of restriction of the specific grants, having the effect of saying that, in laying and collecting taxes for each of the precise objects of power granted to the general government, Congress must exercise any such definite and undoubted power in strict subordination to the purpose of the common defence and general welfare of all the States.

There being no specific grant in the Constitution of a power to sanction appropriations for internal improvements, and no general provision broad enough to cover any such indefinite object, it becomes necessary to look for particular powers, to which one or another of the things included in the phrase "internal improvements," may be referred.

In the discussions of this question by the advocates of the organization of a "general system of internal improvements" under the auspices of the federal government, reliance is had, for the justification of the measure, on several of the powers expressly granted to Congress: such as to establish post offices and post roads; to declare war; to provide and maintain a navy; to raise and support armies; to regulate commerce; and to dispose of the territory and other public property of the United States.

As to the last of these sources of power, that of disposing of the territory and other public property of the United States, it may be conceded, that it authorizes Congress, in the management of the public property, to make improvements essential to the successful execution of the trust; but this must be the primary object of any such improvement, and it would be an abuse of the trust to sacrifice the interest of the property to incidental purposes.

As to the other assumed sources of general power over internal improvements, they being specific powers, of which this is supposed to be the incident, if the framers of the Constitution, wise and thoughtful men as they were, intended to confer on Congress the power over a subject so wide as the whole field of internal improvements, it is remarkable that they did not use language clearly to express it; or, in other words, that they did not give it as a distinct and substantive power, instead of making it the implied incident of some other one. For such is the magnitude of the supposed incidental power and its capacity of expansion, that any system established under it would exceed each of the others, in the amount of expenditure and number of the persons employed, which would thus be thrown upon the general government.

This position may be illustrated by taking, as a single example, one of the many things comprehended clearly in the idea of "a general system of internal improvements," namely, roads. Let it be supposed that the power to construct roads over the whole Union, according to the suggestion of President J. Q. Adams, in 1807, whilst a member of the Senate of the United States, had been conceded. Congress would have begun, in pursuance of the state of knowledge at the time, by constructing turnpikes. Then, as knowledge advanced, it would have constructed canals; and at the present time, it would have been embarked in an almost limitless scheme of railroads.

Now, there are in the United States, the results of State or private enterprize, upwards of 17,000 miles of railroads, and 5,000 miles of canals, in all 22,000 miles, the total cost of which may be estimated at little short of six hundred millions of dollars; and if the same works had been constructed by the federal government, supposing the thing to have been practicable, the cost would have probably been not less than nine hundred millions of dollars. The number of persons employed in superintending, managing, and keeping up these canals and railroads may be stated at one hundred and twenty-six thousand, or thereabouts; to which are to be added seventy thousand or eighty thousand employed on the

railroads in construction, making a total of at least two hundred thousand persons, representing in families nearly a million of souls, employed on or maintained by this one class of public works in the United States.

In view of all this, it is not easy to estimate the disastrous consequences which must have resulted from such extended local improvements being undertaken by the general government. State legislation upon this subject would have been suspended, and private enterprise paralyzed, while applications for appropriations would have perverted the legislation of Congress, exhausted the national treasury, and left the people burdened with a heavy public debt, beyond the capacity of generations to discharge.

Is it conceivable that the framers of the Constitution intended that authority, drawing after it such immense consequences, should be inferred by implication as the incident of enumerated powers? I cannot think this; and the impossibility of supposing it would be still more glaring, if similar calculations were carried out in regard to the numerous objects of material, moral, and political usefulness, of which the idea of internal improvement admits. It may be safely inferred, that if the framers of the Constitution had intended to confer the power to make appropriations for the objects indicated, it would have been enumerated among the grants expressly made to Congress. When, therefore, any one of the powers actually enumerated is adduced or referred to, as the ground of an assumption to warrant the incidental or implied power of "internal improvement," that hypothesis must be rejected, or at least can be no further admitted than as the particular act of internal improvement may happen to be necessary to the exercise of the granted power. Thus, when the object of a given road, the clearing of a particular channel, or the construction of a particular harbor of refuge, is manifestly required by the exigencies of the naval or military service of the country, then it seems to me undeniable that it may be constitutionally comprehended in the powers to declare war, to provide and maintain a navy, and to raise and support armies. At the same time, it would be a misuse of these powers, and a violation of the Constitution, to undertake to build upon them a great system of internal improvements. And similar reasoning applies to the assumption of any such power as involved in that to establish post roads and to regulate commerce. If the particular improvement, whether by land or sea, be necessary to the execution of the enumerated powers, then, but not otherwise, it falls within the jurisdiction of Congress. To this extent

only can the power be claimed as the incident of any express grant to the federal government.

But there is one clause of the Constitution in which it has been suggested, that express authority to construct works of internal improvement has been conferred on Congress, namely, that which empowers it "to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and *other needful buildings*." But any such supposition will be seen to be groundless, when this provision is carefully examined, and compared with other parts of the Constitution.

It is undoubtedly true, that "like authority" refers back to "exclusive legislation in all cases whatever," as applied to the District of Columbia; and there is, in the District, no division of powers as between the general and the State governments.

In those places which the United States has purchased or retains within any of the States—sites for dock-yards or forts, for example—legal process of the given State is still permitted to run for some purposes, and therefore the jurisdiction of the United States is not absolutely perfect. But let us assume, for the argument's sake, that the jurisdiction of the United States in a tract of land ceded to it for the purpose of a dock-yard or fort, by Virginia or Maryland, is as complete as in that ceded by them for the seat of government, and then proceed to analyze this clause of the Constitution.

It provides that Congress shall have certain legislative authority over all places purchased by the United States for certain purposes. It implies that Congress has otherwise the power to purchase. But where does Congress get the power to purchase? Manifestly it must be from some other clause of the Constitution, for it is not conferred by this one. Now, as it is a fundamental principle that the Constitution is one of limited powers, the authority to purchase must be conferred in one of the enumerations of legislative power. So that the power to purchase is itself not an unlimited one, but is limited by the objects in regard to which legislative authority is directly conferred.

The other expressions of the clause in question confirm this conclusion, since the jurisdiction is given as to places

purchased for certain enumerated objects or purposes. Of these, the first great division, forts, magazines, arsenals and dock-yards are obviously referable to recognized heads of specific constitutional power. There remains only the phrase "and other *needful* buildings." Wherefore needful? Needful for any possible purpose within the whole range of the business of society and of government? Clearly not; but only such "buildings" as are "needful" to the United States in the exercise of any of the powers conferred on Congress.

Thus the United States need, in the exercise of admitted powers, not only forts, magazines, arsenals and dock-yards, but also court-houses, prisons, custom-houses, and post-offices, within the respective States. Places for the erection of such buildings the general government may constitutionally purchase, and, having purchased them, the jurisdiction over them belongs to the United States. So, if the general government has the power to build a light-house or a beacon, it may purchase a place for that object; and having purchased it, then this clause of the Constitution gives jurisdiction over it. Still the power to purchase for the purpose of erecting a light-house or beacon, must depend on the existence of the power to erect; and if that power exists, it must be sought after in some other clause of the Constitution.

From whatever point of view, therefore, the subject is regarded, whether as a question of express or implied power, the conclusion is the same, that Congress has no constitutional authority to carry on a system of internal improvements; and in this conviction the system has been steadily opposed by the soundest expositors of the functions of the government.

It is not to be supposed that in no conceivable case shall there be doubt as to whether a given object be, or not, a necessary incident of the military, naval, or any other power. As man is imperfect, so are his methods of uttering his thoughts. Human language, save in expressions for the exact sciences, must always fail to preclude all possibility of controversy. Hence it is that, in one branch of the subject—the question of the power of Congress to make appropriations in aid of navigation—there is less of positive conviction than in regard to the general subject; and it therefore seems proper, in this respect, to revert to the history of the practice of the government.

Among the very earliest acts of the first session of Congress, was that for the establishment and support of light-houses, approved by President Washington on the 7th of August, 1789, which contains the following provisions:

“That all expenses which shall accrue, from and after the fifteenth day of August, one thousand seven hundred and eighty-nine, in the necessary support, maintenance, and repairs of all light-houses, beacons, buoys and public piers, erected, placed, or sunk before the passing of this act, at the entrance of or within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the treasury of the United States: *Provided, nevertheless,* That none of the said expenses shall continue to be so defrayed, after the expiration of one year from the day aforesaid, unless such light-houses, beacons, buoys, and public piers shall, in the meantime, be ceded to, and vested in the United States, by the State or States, respectively, in which the same may be, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same.” Acts containing appropriations for this class of public works were passed in 1791, 1792, 1793, and so on, from year to year, down to the present time; and the tenor of these acts, when examined with reference to other parts of the subject, is worthy of special consideration.

It is a remarkable fact that, for a period of more than thirty years after the adoption of the Constitution, all appropriations of this class were confined, with scarcely an apparent exception, to the construction of light houses, beacons, buoys, and public piers, and the stakeage of channels:—to render navigation “safe and easy,” it is true, but only by indicating to the navigator obstacles in his way, not by removing those obstacles, nor in any other respect changing artificially the pre-existing natural condition of the earth and sea. It is obvious, however, that works of art for the removal of natural impediments to navigation, or to prevent their formation, or for supplying harbors where these do not exist, are also means of rendering navigation safe and easy: and may, in supposable cases, be the most efficient, as well as the most economical, of such means. Nevertheless, it is not until the year 1824 that, in an act to improve the navigation of the rivers Ohio and Mississippi, and in another act making appropriations for deepening the channel leading into the harbor of Presque Isle, on Lake Erie, and for repairing Plymouth Beach, in Massachusetts Bay, we have any example of an appropriation for the improvement of harbors, in the nature of those provided for in the bill returned by me to the House of Representatives.

It appears not probable that the abstinence of Congress in this respect is attributable altogether to considerations of

economy, or to any failure to perceive that the removal of an obstacle to navigation might be not less useful than the indication of it for avoidance; and it may be well assumed that the course of legislation, so long pursued, was induced, in whole or in part, by solicitous consideration in regard to the constitutional power over such matters vested in Congress.

One other peculiarity in this course of legislation is not less remarkable. It is, that when the general government first took charge of light houses and beacons, it required the works themselves, and the lands on which they were situated, to be ceded to the United States. And although for a time this precaution was neglected in the case of new works, in the sequel it was provided by general laws that no light house should be constructed on any site previous to the jurisdiction over the same being ceded to the United States.

Constitutional authority for the construction and support of many of the public works of this nature, it is certain, may be found in the power of Congress to maintain a navy and provide for the general defence; but their number, and, in many instances, their location, preclude the idea of their being fully justified as necessary and proper incidents of that power. And they do not seem susceptible of being referred to any other of the specific powers vested in Congress by the Constitution, unless it be that to raise revenue, in so far as this relates to navigation. The practice under all my predecessors in office, the express admissions of some of them, and absence of denial by any, sufficiently manifest their belief that the power to erect light houses, beacons, and piers, is possessed by the general government. In the acts of Congress, as we have already seen, the inducement and object of the appropriations are expressly declared: those appropriations being for "light houses, beacons, buoys, and public piers" erected or placed "within any bay, inlet, harbor, or port of the United States for rendering the navigation thereof easy and safe."

If it be contended that this review of the history of appropriations of this class leads to the inference, that, beyond the purposes of national defence and maintenance of a navy, there is authority in the Constitution to construct certain works in aid of navigation, it is at the same time to be remembered that the conclusions thus deduced from contemporaneous construction and long continued acquiescence are themselves directly suggestive of limitations of constitutionality, as well as expediency, regarding the nature and the description of those aids to navigation which Congress may provide as incident to the revenue power. For, at this point

controversy begins, not so much as to the principle as to its application.

In accordance with long established legislative usage, Congress may construct light houses and beacons, and provide, as it does, other means to prevent shipwrecks on the coasts of the United States. But the general government cannot go beyond this, and make improvements of rivers and harbors of the nature, and to the degree, of all the provisions of the bill of the last session of Congress.

To justify such extended power, it has been urged that, if it be constitutional to appropriate money for the purpose of pointing out, by the construction of light houses or beacons, where an obstacle to navigation exists, it is equally so to remove such obstacle, or to avoid it by the creation of an artificial channel; that if the object be lawful, then the means adopted solely with reference to the end must be lawful, and that therefore it is not material, constitutionally speaking, whether a given obstruction to navigation be indicated for avoidance, or be actually avoided by excavating a new channel; that if it be a legitimate object of expenditure to preserve a ship from wreck, by means of a beacon, or of revenue cutters, it must be not less so to provide places of safety by the improvement of harbors, or, where none exist, by their artificial construction; and thence the argument naturally passes to the propriety of improving rivers for the benefit of internal navigation: because all these objects are of more or less importance to the commercial, as well as the naval, interests of the United States.

The answer to all this is, that the question of opening speedy and easy communication to and through all parts of the country, is substantially the same, whether done by land or water; that the uses of roads and canals in facilitating commercial intercourse, and uniting by community of interests the most remote quarters of the country by land communication, are the same in their nature as the uses of navigable waters; and that therefore, the question of the facilities and aids to be provided to navigation, by whatsoever means, is but a sub-division of the great question of the constitutionality and expediency of internal improvements by the general government. In confirmation of this, it is to be remarked, that one of the most important acts of appropriation of this class, that of the year 1833, under the administration of President Jackson, by including together and providing for, in one bill, as well river and harbor works, as road works, impliedly recognizes the fact that they are alike branches of the same great subject of internal improvements.

As the population, territory and wealth of the country increased, and settlements extended into remote regions, the necessity for additional means of communication impressed itself upon all minds with a force which had not been experienced at the date of the formation of the Constitution, and more and more embarrassed those who were most anxious to abstain, scrupulously, from any exercise of doubtful power. Hence the recognition, in the messages of Presidents Jefferson, Madison, and Monroe, of the eminent desirableness of such works, with admission that some of them could lawfully and should be conducted by the general government, but with obvious uncertainty of opinion as to the line between such as are constitutional and such as are not; such as ought to receive appropriations from Congress, and such as ought to be consigned to private enterprize, or the legislation of the several States.

This uncertainty has not been removed by the practical working of our institutions in later times; for although the acquisition of additional territory, and the application of steam to the propulsion of vessels, have greatly magnified the importance of internal commerce, this fact has, at the same time, complicated the question of the power of the general government over the present subject.

In fine, a careful review of the opinions of all my predecessors, and of the legislative history of the country, does not indicate any fixed rule by which to decide what, of the infinite variety of possible river and harbor improvements, are within the scope of the power delegated by the Constitution; and the question still remains unsettled. President Jackson conceded the constitutionality, under suitable circumstances, of the improvement of rivers and harbors through the agency of Congress; and President Polk admitted the propriety of the establishment and support, by appropriations from the treasury, of light houses, beacons, buoys, and other improvements, within the bays, inlets, and harbors of the ocean and lake coasts immediately connected with foreign commerce.

But, if the distinction thus made rests upon the differences between foreign and domestic commerce, it cannot be restricted thereby to the bays, inlets, and harbors of the oceans and lakes, because foreign commerce has already penetrated thousands of miles into the interior of the continent by means of our great rivers, and will continue so to extend itself with the progress of settlement, until it reaches the limit of navigability.

At the time of the adoption of the Constitution, the vast

valley of the Mississippi, now teeming with population, and supplying almost boundless resources, was literally an unexplored wilderness. Our advancement has outstripped even the most sanguine anticipations of the fathers of the Republic; and it illustrates the fact, that no rule is admissible which undertakes to discriminate, so far as regards river and harbor improvements, between the Atlantic or Pacific coasts, and the great lakes and rivers of the interior regions of North America. Indeed, it is quite erroneous to suppose that any such discrimination has ever existed in the practice of the government. To the contrary of which, is the significant fact before stated, that when, after abstaining from all such appropriations for more than thirty years, Congress entered upon the policy of improving the navigation of rivers and harbors, it commenced with the rivers Mississippi and Ohio.

The Congress of the Union, adopting, in this respect, one of the ideas of that of the Confederation, has taken heed to declare, from time to time, as occasion required, either in acts for disposing of the public lands in the Territories, or in acts for admitting new States, that all navigable rivers within the same "shall be deemed to be and remain public highways."

Out of this condition of things arose a question which, at successive periods of our public annals, has occupied the attention of the best minds in the Union. This question is, what waters are public navigable waters so as not to be of State character and jurisdiction, but of Federal jurisdiction and character, in the intent of the Constitution and of Congress? A proximate, but imperfect, answer to this important question is furnished by the acts of Congress and the decisions of the Supreme Court of the United States, defining the constitutional limits of the maritime jurisdiction of the general government. That jurisdiction is entirely independent of the revenue power. It is not derived from that, nor is it measured thereby.

In that act of Congress which, in the first year of the government, organized our judicial system, and which, whether we look to the subject, the comprehensive wisdom with which it was treated, or the deference with which its provisions have come to be regarded, is only second to the Constitution itself,—there is a section in which the statesmen who framed the Constitution have placed on record their construction of this matter. It enacts that the district courts of the United States "shall have exclusive cognizance of all civil cases of admiralty and maritime jurisdiction, including all seizures under the law of impost, navigation, or trade of

the United States, when the seizures are made on waters which are navigable from the sea by vessels of ten or more tons burden, within their respective districts, as well as upon the high seas." In this cotemporaneous exposition of the Constitution, there is no trace of suggestion, that nationality of jurisdiction is limited to the sea, or even to tide-waters. The law is marked by a sagacious apprehension of the fact that the great Lakes and the Mississippi were navigable waters of the United States even then, before the acquisition of Louisiana had made wholly our own the territorial greatness of the West. It repudiates, unequivocally, the rule of the common law, according to which the question of whether a water is public navigable water or not, depends on whether it is salt or not, and therefore, in a river, confines that quality to tide water: a rule resulting from the geographical condition of England, and applicable to an island with small and narrow streams, the only navigable portion of which, for ships, is in immediate contact with the ocean, but wholly inapplicable to the great inland fresh water seas of America, and its mighty rivers, with secondary branches exceeding in magnitude the largest rivers of Great Britain.

At a later period, it is true, that, in disregard of the more comprehensive definition of navigability afforded by that act of Congress, it was for a time held by many, that the rule established for England was to be received in the United States; the effect of which was to exclude from the jurisdiction of the general government, not only the waters of the Mississippi, but also those of the great Lakes. To this construction it was with truth objected, that, in so far as concerns the Lakes, they are in fact seas, although of fresh water; that they are the natural marine communications between a series of populous States, and between them and the possessions of a foreign nation; that they are actually navigated by ships of commerce of the largest capacity; that they had once been, and might again be, the scene of foreign war; and that therefore it was doing violence to all reason to undertake, by means of an arbitrary doctrine of technical foreign law, to exclude such waters from the jurisdiction of the general government. In regard to the river Mississippi, it was objected that, to draw a line across that river at the point of ebb and flood of tide, and say that the part below was public navigable water, and the part above not, while in the latter the water was at least equally deep and navigable, and its commerce as rich as in the former, with numerous ports of foreign entry and delivery, was to sanction a distinc-

tion artificial and unjust, because regardless of the real fact of navigability.

We may conceive that some such considerations led to the enactment, in the year 1845, of an act, in addition to that of 1789, declaring that "the district courts of the United States shall have, possess, and exercise the same jurisdiction in matters of contract and tort, arising in, upon, or concerning steamboats, and other vessels of twenty tons burden and upwards, enrolled and licensed for the coasting trade, and at the time employed in business of commerce and navigation between ports and places in different States and Territories upon the Lakes, and navigable waters connecting said Lakes, as is now possessed and exercised by the said courts in cases of the like steamboats and other vessels employed in navigation and commerce upon the high seas or tide-waters, within the admiralty and maritime jurisdiction of the United States."

It is observable that the act of 1789 applies the jurisdiction of the United States to all "waters which are navigable from the sea" for vessels of ten tons burden; and that of 1845 extends the jurisdiction to enrolled vessels of twenty tons burden, on the Lakes, and navigable waters connecting said Lakes, though not waters navigable from the sea, provided such vessels be employed between places in different States and Territories.

Thus it appears that these provisions of law, in effect, prescribe conditions by which to determine whether any waters are public navigable waters, subject to the authority of the federal government. The conditions include all waters, whether salt or fresh, and whether of sea, lake, or river, provided they be capable of navigation by vessels of a certain tonnage, and for commerce, either between the United States and foreign countries, or between any two or more of the States or Territories of the Union. This excludes water wholly within any particular State, and not used as the means of commercial communication with any other State, and subject to be improved or obstructed, at will, by the State within which it may happen to be.

The constitutionality of these provisions of statute has been called in question. Their constitutionality has been maintained, however, by repeated decisions of the Supreme Court of the United States, and they are, therefore, the law of the land by the concurrent act of the legislative, the executive, and the judicial departments of the government. Regarded as affording a criterion of what is navigable water, and as such subject to the maritime jurisdiction of the Supreme

Court and of Congress, these acts are objectionable in this, that the rule of navigability is an arbitrary one; that Congress may repeal the present rule, and adopt a new one; and that thus a legislative definition will be able to restrict or enlarge the limits of constitutional power. Yet this variability of standard seems inherent in the nature of things. At any rate, neither the first Congress, composed of the statesmen of the era when the Constitution was adopted, nor any subsequent Congress, has afforded us the means of attaining greater precision of construction as to this part of the Constitution.

This reflection may serve to relieve from undeserved reproach an idea of one of the greatest men of the Republic, President Jackson. He, seeking amid all the difficulties of the subject for some practical rule of action in regard to appropriations for the improvement of rivers and harbors, prescribed for his own official conduct the rule of confining such appropriations to "places below the ports of entry or delivery established by law." He saw clearly, as the authors of the above mentioned acts of 1789 and 1845 did, that there is no inflexible natural line of discrimination between what is national and what local, by means of which to determine absolutely and unerringly at what point on a river the jurisdiction of the United States shall end. He perceived, and of course admitted, that the Constitution, while conferring on the general government some power of action to render navigation safe and easy, had of necessity left to Congress much of discretion in this matter. He confided in the patriotism of Congress to exercise that discretion wisely, not permitting himself to suppose it possible that a port of entry or delivery would ever be established by law for the express and only purpose of evading the Constitution.

It remains, therefore, to consider the question of the measure of discretion in the exercise by Congress of the power to provide for the improvement of rivers and harbors, and also that of the legitimate responsibility of the Executive in the same relation.

In matters of legislation of the most unquestionable constitutionality, it is always material to consider what amount of public money shall be appropriated for any particular object. The same consideration applies with augmented force to a class of appropriations which are in their nature peculiarly prone to run to excess, and which, being made in the exercise of incidental powers, have intrinsic tendency to overstep the bounds of constitutionality.

If an appropriation for improving the navigability of a

river, or deepening or protecting a harbor, have reference to military or naval purposes, then its rightfulness, whether in amount or in the objects to which it is applied, depends, manifestly, on the military or naval exigency; and the subject matter affords its own measure of legislative discretion. But if the appropriation for such an object have no distinct relation to the military or naval wants of the country, and is wholly, or even mainly, intended to promote the revenue from commerce, then the very vagueness of the proposed purpose of the expenditure constitutes a perpetual admonition of reserve and caution. Through disregard of this, it is undeniable that, in many cases, appropriations of this nature have been made unwisely, without accomplishing beneficial results commensurate with the cost, and sometimes for evil, rather than good, independently of their dubious relation to the Constitution.

Among the radical changes of the course of legislation in these matters, which, in my judgment, the public interest demands, one is a return to the primitive idea of Congress, which required in this class of public works, as in all others, a conveyance of the soil, and a cession of the jurisdiction to the United States. I think this condition ought never to have been waived in the case of any harbor improvement of a permanent nature, as where piers, jetties, sea-walls, and other like works are to be constructed and maintained. It would powerfully tend to counteract endeavors to obtain appropriations of a local character, and chiefly calculated to promote individual interests. The want of such a provision is the occasion of abuses in regard to existing works, exposing them to private encroachment without sufficient means of redress by law. Indeed, the absence, in such cases, of a cession of jurisdiction, has constituted one of the constitutional objections to appropriations of this class. It is not easy to perceive any sufficient reason for requiring it in the case of arsenals or forts, which does not equally apply to all other public works; if to be constructed and maintained by Congress in the exercise of a constitutional power of appropriation, they should be brought within the jurisdiction of the United States.

There is another measure of precaution, in regard to such appropriations, which seems to me to be worthy of the consideration of Congress. It is, to make appropriation for every work in a separate bill, so that each one shall stand on its own independent merits; and if it pass, shall do so under circumstances of legislative scrutiny, entitling it to

be regarded as of general interest, and a proper subject of charge on the treasury of the Union.

During that period of time in which the country had not come to look to Congress for appropriations of this nature, several of the States, whose productions or geographical position invited foreign commerce, had entered upon plans for the improvement of their harbors by themselves, and through means of support drawn directly from that commerce, in virtue of an express constitutional power, needing for its exercise only the permission of Congress. Harbor improvements thus constructed and maintained, the expenditures upon them being defrayed by the very facilities they afford, are a voluntary charge on those only who see fit to avail themselves of such facilities, and can be justly complained of by none. On the other hand, so long as these improvements are carried on by appropriations from the treasury, the benefits will continue to inure to those alone who enjoy the facilities afforded, while the expenditure will be a burden upon the whole country, and the discrimination a double injury to places equally requiring improvement, but not equally favored by appropriations.

These considerations, added to the embarrassments of the whole question, amply suffices to suggest the policy of confining appropriations by the general government to works necessary to the execution of its undoubted powers, and of leaving all others to individual enterprise, or to the separate States, to be provided for out of their own resources, or by recurrence to the provision of the Constitution, which authorizes the States to lay duties on tonnage with the consent of Congress.

FRANKLIN PIERCE.

WASHINGTON, *December 30, 1854.*

XI.—THE COAST SURVEY.

THE survey of the Coast begun by Mr. F. R. Hassler, in 1832, (after some fruitless earlier operations) has since his death in 1843, been under the charge of Prof. A. D. Bache, the present Superintendent. It is conducted under the Treasury Department, but is not a Bureau, being of a temporary character, and not possessing an organic structure adapted to that designation. The office is situated on Capitol Hill, some 300 yards from the Capitol, down New Jersey Avenue. During the portion of the year when the Superintendent is not in the field, he has his office in the Coast Survey buildings, and in his absence he is represented by the Assistant in charge of the office.

The coast is divided into eleven sections, extending in order from Maine around to Texas, and thence up the Pacific Coast. Operations are now in progress in all these sections, and thus the widest development of these labors is now nearly reached. The order of field work is essentially the following:

1st. RECONNOISSANCE.—By this is meant that preliminary exploration which is requisite to determine the proper points to be occupied as stations for observations, the sites of base lines, and the facilities and obstacles to the future conduct of operations.

2d. BASE LINE MEASUREMENTS.—Each section has at least one base of from five to ten miles long, which is measured by a very accurately compensating standard base apparatus of some 20 feet in length. From this base, all the other distances in the section are deduced by a continuation of angle observations and computations.

3d. ASTRONOMICAL AND MAGNETIC OBSERVATIONS.—A limited number of the primary stations in each section are occupied for very accurate and detailed observations for latitude, longitude and azimuth, whereby their positions on the earth are very precisely determined, and the bearings of the various lines between the stations made known. The magnetic elements are so observed as to serve both practical and theoretical purposes.

4th. TRIANGULATION.—Intervisible stations are successively occupied so as to spread along the entire coast a connected net work of triangles, all the angles in which are mea-

sured by accurate theodolite observations. The main triangulation, whose sides are the longest, is called the primary, and is carried from the base over the section, with as few stations as possible. The secondary and tertiary triangulations work down from the primary to all the points whose positions are to be determined. By discussing the astronomical and primary triangulation observations, the geodetic results concerning the lengths of latitude and longitude degrees, and the figure of the earth, are finally to be brought out.

5th. TOPOGRAPHY.—Having by the triangulation determined so many points that a convenient sized field sheet on the scale of $\frac{1}{100,000}$ will contain some three or more of these points, the country under survey is distributed into a series of sheets, on which these points being accurately plotted, it only remains to fill in all the details of surface in their correct relation to these points. This is done by the plane table and other instruments, so that a series of sheets is produced giving all the accidents of ground, the shore lines, the hill slopes, &c., graphically located and represented. All these topographical distances refer back to the section base line.

6th. HYDROGRAPHY.—Having a correct shore line from the topographical sheets, and points fixed by the triangulation, these are plotted on large sheets for the hydrographic parties. These proceed to execute a series of soundings, located by the signals on shore, or new ones referred to the given points, so that all the soundings can be plotted in correct relation to the shore line. A series of tidal observations is made at the same time, by which all soundings are referred to the same plane of reference which is usually that of mean low water. Current observations are also made, so as to develop all the essential hydrographic features of the water surveyed. Soundings are conducted by shore references, by intermediate signal vessels, or by latitude and longitude observations to such a distance off the shore as is needed to unfold all the main peculiarities of the bottom within practicable soundings. The Gulf Stream has been observed also, especially in relation to temperature. Thus all the hydrographic operations proceed in the train of the triangulation, each sounding being located by reference to the same connected scheme of fixed points.

Passing now to the *Office* operations, which are necessary to make all these observations available for charts and other purposes, we find a similar train of processes is still to be gone through, which is briefly the following:

1st. **THE ARCHIVES.**—All the journals of astronomical, magnetic and triangulation observations, all the topographic and hydrographic sheets, all the note books of soundings, sextant angles, &c., all the special records of longitude operations by telegraph and chronometers, the specimens of bottoms, &c., indeed all records of observations of whatever sort, are brought together and arranged systematically in one fire proof repository called the Archives. Here also the library of the survey is kept. All these materials require to be so administered as to make all and each at once available.

2d. **COMPUTATIONS.**—The astronomical, magnetic, triangulation and tidal observations, require to be subjected to the process of computation, to bring out the final results required for use, in the shape of latitudes, longitudes, azimuths, distances, &c. Two sets of computations are made as a check on each other.

3d. **DRAWING.**—Preparatory to the final charts, drawings are made in which the points are accurately plotted, and the topography and hydrography from the several sheets reduced to the publication scale and accurately combined. Skill, taste, and fidelity to the originals are first requisites, and all measures are taken to ensure superior style and great accuracy in the drawings.

4th. **ENGRAVING.**—The drawing of a chart being completed, it is placed in the engraver's hands, to be transferred by the graver into the copper plates. Careful tracings of the parts, being made on fish glue or tracing paper, the outlines are reversed on a wax coating and then drawn into the copper. The style is elaborated in the engraver's execution of hills, woods, marshes, &c., so as to unite beauty and truth. Sailing directions, notes, titles, &c., are added, and at last the engraved plate is finished.

5th. **ELECTROTYPING.**—Before proceeding to the printing it is essential to procure copies of the finished plate by means of the electrotype art, as otherwise the costly originals would soon be worn out and re-engraving would be necessary. By galvanic action, a copper case of the plate is made, on which all the graver lines appear in relief, and casts being again taken from this, come out perfect duplicates of the original. These are then employed by the printer. The art of electrotyping copper plates is in the very highest perfection at the Coast Survey office.

6th. **PRINTING.**—The printer from the electrotype copper plates proceeds to work off the impressions required to meet the demands for sale and distribution. The plates in the

Coast Survey Reports are printed by transfer on to stone, as the number is too great for copper-plate printing.

Thus, the long train of field and office operations reach their culmination in the series of general coast and harbor charts, many of which have already appeared, and to the list of which each year is steadily adding. They embrace all the best elements of perfect charts, and when our entire seaboard is thus pictorially presented, nothing will be lacking to the hydrographic facilities for commerce and navigation along our extensive coast.

From the annual report of the Superintendent for 1854, in a summary view of the progress of the survey up to this time, we learn that the chain of triangulation of the Coast Survey now extends, with a single broken link of fifteen miles, from Penobscot bay, in Maine, to Bogue sound, in North Carolina. South of this it crosses Cape Fear entrance, and passes up the river to Wilmington, includes Winyah bay and Georgetown harbor, and the coast from the Ashley river to St. Helena sound, Calibogue sound and the Savannah river to the head of Argyle island, and St. John's river entrance; connects the Florida reefs and keys from Cape Florida to Key Roderiguez, and from the Pine islands to Key West; extends from Crystal river offing to Cedar Keys, inclusive, on the western coast of the Florida peninsula, over Ocilla river entrance; connects Mobile with New Orleans and passes from Mobile to the Gulf, and across Mississippi sound, and through Lake Borgne and Lake Ponchartrain to New Orleans; includes Galveston Lower and Upper bays, and East and West bays, and passes the coast to the head of Matagorda bay, and covers the entrance of the Rio Bravo del Norte.

In some cases the main triangulation leads and in others follows, affording first and last the check which the minor work requires. It rests upon carefully measured bases which, when united, serve as bases of verification.

A preliminary triangulation is made whenever a specially important locality requires survey out of the regular course, and is brought subsequently into the general scheme.

Upon this series of points determined by the triangulation, the plane table surveys rest, furnishing the shore line and details of topography, and with these the hydrography is readily and accurately executed. It gives the soundings, pointing out shoals and rocks to be avoided and channels to be followed, the set and drift of currents, and the rise and fall of tides. It would be difficult to find a country which presents a greater variety in the coast, to which dif-

ferent plans of survey should be adapted, or more varied features in the oceans which wash it, in all their relations of depth, of current, and of tide.

The land work finds its most interesting applications amongst the hills and mountains of the eastern coast and on the islands and adjacent main of the Gulf of Mexico, and the hydrography in that great stream which connects the Gulf of Mexico with the northern seas; in exploring the shoals and depths of the great Gulf in which it has its source, and the depths and shoals of the north and east whence return is made for its flow. It might at first be supposed that in the beaten tracks of commerce and navigation, such a survey had merely to map down accurately and laboriously what, was before imperfectly known and carelessly traced. But, even the approaches to our great marts of commerce have not failed to yield actual discoveries or developments so near akin to them that it is difficult to draw the line between them. Gedney's channel off New York has associated the name of that veteran hydrographer with discovery in the most frequented port of the Union. Blake's channel, in the Delaware, Davis' shoal, and Davis' bank, near Nantucket, Stellwagen's bank at the entrance of Massachusetts bay, Almy's shoal, off Cape Charles, Jenkins' channel, across Cape Fear shoals, Maffitt's channel, at Charleston, and Rodger's channel, at Key West, have connected their skill and patient research with the most thronged routes and customary approaches. The pilot or navigator follows the middle way without seeking to the right or to the left, sounding only when necessity requires, his object being to carry his single vessel into port; the surveyor explores the entire approach, carrying his vessel into places deemed both safe and unsafe, that he may develop their facilities or discover their dangers.

The result of this exploration for the last year exhibits the following list of developments and discoveries:

List of Coast Survey Discoveries and Developments for 1854.

1. Determination of the dimensions of Alden's rock, near Cape Elizabeth, Maine.

2. A bank (Stellwagen's bank) with ten and a half to fourteen and a half fathoms of water on it, at the entrance to Massachusetts bay, and serving as an important mark for approaching Boston and other harbors.

3. A dangerous sunken ledge (Davis' ledge) to the eastward and in the neighborhood of Minot's ledge.

4. Several rocks in the fair channel way, in Boston harbor entrance.

5. The tidal currents of Nantucket shoals and the approaches.
 6. The tidal currents of Long Island sound.
 7. The changes in New York harbor near the city between 1845 and 1854.
 8. The general permanence of the Bodkin channel, and shoals in its vicinity, at the entrance of the Patapsco river, between 1844 and 1854.
 9. A shoal (New Point shoal) in Chesapeake bay with sixteen feet water on it, S. E. from New Point Comfort light-house, off Mobjack bay.
 10. A reconnaissance of the Wimble shoals, near Nag's head, coast of North Carolina.
 11. The general permanence in depth on the bar of Beaufort, N. C., with the change of position of the channel.
 12. The changes in Maffit's channel, Charleston harbor, S. C., from 1852 to 1854.
 13. A harbor of refuge (Turtle harbor) to the northward and westward of Carysport light-house, Florida reef, with a depth of water of twenty-six feet at the entrance.
 14. A safe rule for crossing the Florida reef, near Indian Key.
 15. Cotidal lines for the Atlantic coast of the United States.
 16. An increase of depth of water on the bar at Pass Fourchon, Louisiana.
 17. A shoal at the entrance to the Straits of Rosario, Washington Territory, giving good holding ground in thirty-three feet.
 18. Belle rock, in the middle of Rosario strait, Washington Territory, visible only at extreme low tides.
 19. Entrance rock at the entrance of Rosario strait.
 20. Unit rock, in the Canal de Haro, Washington Territory.
 21. A five fathom shoal in the strait of Juan de Fuca, between Canal de Haro and Rosario strait.
 22. The non-existence of two islands at the northern entrance of Canal de Haro, laid down on charts.
 23. The non-existence of San Juan island, usually laid among the Santa Barbara group.
 24. Tides of San Diego, San Francisco and Astoria.
- A statement of the Coast Survey field work, in each of the eleven sections during the year 1854, is contained in the following summary:
- SECTION I.—*Coast of Maine, New Hampshire, Massachusetts, and Rhode Island.*—Ragged mountain, near Camden,

Maine, has been occupied as a primary station, astronomical and magnetic observations being also made there. The lines of sight reach forward to Mt. Desert and Humpback mountain in Brewster. The reconnoissance has been continued to the eastern boundary. The triangulation of Casco bay has been extended to Cape Small Point, entrance of the Kennebeck. The topography of Baker's island, part of Cape Small Point, of the approaches to Portland harbor, of Cape Neddick, and to include Ogunquit harbor, in Maine, of the vicinity of Newburyport, Massachusetts, from the connection with the former work south of it, of part of the vicinity of Boston to determine certain changes for the State Commissioners, and of the approaches to Plymouth harbor, has been executed. A hydrographic reconnoissance of the eastern part of Eggemoggin reach, Maine, has been made; some additional hydrography in and near Portland harbor for the City Commission has been executed. The hydrography of Massachusetts bay has been commenced, including the sounding out of a fourteen fathom bank at the entrance. The inshore work from Nahant to Marblehead has been completed. A dangerous ledge off the Minot's and several rocks at the entrance of Boston harbor have been determined. The offshore work from the northward of Cape Cod to Monomoy has been commenced. Deep sea soundings have been made from the Nantucket shoals outwards, from S. E. round to George's bank. The hydrography of the north side of the Vineyard and Nantucket sounds, and eastward from the former work, including the sounding out of Horse Shoe, Luccowesset and L'Homme Dieu shoals, has been completed. A portion of a section from Nantucket south eastwardly across the Gulf Stream has been run. The tides of these sounds and their approaches have been investigated. The regular tidal station at Boston has been kept up. The current observations of the Nantucket shoals and in Muskeget channel have been worked up. Views have been taken for the sheets of Salem and Gloucester harbors. The discussion of the results of the chronometer expeditions between Cambridge and Liverpool has been completed. Examinations in regard to the necessity for light houses and the selection of sites have been made, under the law, at Baker's island, Eggemoggin Reach, Isle au Haut Thoroughfare, Castine, Tenant's harbor, South island, Damariscotta river entrance, Wood island near Cape Small Point, and Kennebunk pier, Maine, and at Westport, Massachusetts. The computations and reductions of the season's work have been kept up. The following maps, charts and sketches belonging to this section have been drawn or are in progress:—

Portland harbor, York harbor and Cape Neddick, Annisquam and Ipswich harbors, Gloucester harbor, Plymouth harbor, Monomoy shoals, Nantucket shoals, Bass river harbor, Muskeget channel, eastern series Nos. 2 and 3, and current chart of Nantucket shoals. The engraving of the following plates has been completed during the year:—Alden's rock, Minot's ledge, Wellfleet harbor, Nantucket shoals and sound, Pig's reef off Cuttyhunk; and the following are in progress, Portsmouth harbor, Newburyport harbor, Salem harbor, Boston harbor, Monomoy harbor, Muskeget channel, and eastern series from Point Judith to Nantucket shoals, three plates.

SECTION II.—*Coast of Connecticut, New York, New Jersey, Pennsylvania and Delaware.*—Observations for latitude, azimuth and magnetic elements have been made at Mount Rose station, N. J. and at Yard station, Penna. The triangulation of the Hudson has been carried from the limits of last year to Blue Point Hill, Ulster Co., N. Y., and the topography and hydrography to near Fort Montgomery, and including the wide part of the river known as the Haverstraw bay. The east and north rivers have been re-surveyed to determine the changes there, and systematic observations of currents made. The city shore has been re-determined to connect with the survey just mentioned. Tidal observations have been continued at Governor's island with the self registering gauge. Special current observations have been made at sea off the south shore of Long Island. Examinations of light house sites have been made at Pine island, Niantic, Black Point and Southport, Conn., and Race Point and Horten's Point, N. Y., and others are in progress at Absecum bar, Bower's beach, and mouth of Old Duck creek. Drawings have been made of Long Island sound No. 1, re-drawn in part, comparative chart of Romer shoals and Flynn's knoll, 1835 to 1854, shore line of part of Manhattan island, chart of currents of Long Island sound. The engraving is in progress or completed of Long Island sound, No. 1 south side of Long island, Nos. 2 and 3 current chart of Long island sound and of Romer shoal and Flynn's knoll.

SECTION III.—*Coast of Delaware, Maryland and Virginia.*—Observations of the solar eclipse of May 26th were made at the Seaton station, Washington, and Roslyn station, Petersburg. Telegraphic differences of longitude have been determined between Petersburg, Va. and Wilmington, N. C. The stations of the main triangulation of the Chesapeake completed last year have been generally secured. The secondary triangulation of James river from Richmond to Harrison's bar has been completed and its extension is in progress. The

topography of the ocean shore near Drummondtown has been continued from Metomkin to Wachapreague inlets; that of the Chesapeake has furnished the shoreline of York. Pocosin and Back river entrances, has been carried up James river from its mouth to Warwick river on one side and to Day's point on the other, has included the mouth of Nausemond river and extended up Elizabeth river beyond Portsmouth and Norfolk, and along the shore to Turner's creek. The topography of the immediate shores of the Rappahannock has been carried from Port Royal to Tappahannock. Verification work has been done on Back river, Maryland, and Meekin's neck. The hydrography of Chesapeake bay proper has been completed, including the sounding of Hampton Roads and of the Elizabeth river, and harbor of Norfolk. The hydrography of the Rappahannock has been carried to Port Royal, and that of James river entrance has been commenced and extended to the limits already stated for the topography. A re-survey has been made off the Bodkin channel and approaches, at the entrance of the Patapsco river, to test changes there. The tidal station at Old Point Comfort has been continued, and temporary stations on the James river have been occupied. Drawings have been made or are in progress of Chesapeake bay, sheets Nos. 1, 2 and 3, first series, and Nos. 1 and 2 of second series, a general chart of the bay, preliminary charts of the James and Appomattox rivers, and of the Rappahannock river, and sea coast of Virginia No. 2. Sketches have been engraved of the sea coast of Virginia No. 2, Wachapreague, Machipungo, and Metomkin inlets, Virginia, of Ship and Sand shoal inlets, of Cape Charles and the vicinity, and Cherrystone inlet, and Pungoteague creek, Virginia, and maps of the Chesapeake bay, No. 1 and No. 2, and of Patapsco river, re-engraving, are in progress.

SECTION IV.—*Coast of Virginia and North Carolina.*—The difference of longitude of Raleigh, North Carolina, and Columbia, South Carolina, has been determined as part of the connection between Washington and New Orleans, and the latitude and magnetic elements measured at Raleigh. Wilmington, North Carolina, has been connected with Petersburg, Virginia, for difference of longitude from Washington, and its latitude and magnetic elements determined. The secondary triangulation has been carried north of Currituck sound to within fifteen miles of Cape Henry, and southward over Bogue sound towards New river. The topography of Cape Fear river has been finished, that of Currituck sound has made some progress in connection with the tri-

angulation, and that of Beaufort harbor has been completed. The hydrography of Beaufort harbor and its dependencies and approaches has been completed. A reconnoissance of the Wimble shoals has also been executed. Tidal observations have been made at Cape Hatteras, at Cape Lookout, and Beaufort entrance, and at Bald Head, Cape Fear. A line of levels for connecting the tidal stations, has been run from Wilmington to Smithville, North Carolina. Maps and charts have been finished or are in progress, of Beaufort harbor, Cape Fear river, reconnoissance of Wimble shoals, of the Gulf Stream, with diagrams of temperatures on different sections, charts of Albemarle sound. One sheet preliminary of the same sound, Nos. 1 and 2 of Beaufort harbor, of Wimble shoals reconnoissance, of Cape Fear entrance and New Inlet, new edition, of the Gulf Stream explorations and the diagrams, and of cotidal lines of the Atlantic coast, have been engraved during the year or are in progress.

SECTION V.—*Coast of South Carolina and Georgia.*—A general reconnoissance has been made from the Santee river to the Ashley. The latitude of Allston station, near Georgetown, South Carolina, approximate longitude, and the magnetic elements have been determined. The telegraphic difference of longitude between Columbia, South Carolina, and Raleigh, North Carolina, part of the line from Washington to New Orleans, and the latitude and magnetic elements at Columbia have been determined. Astronomical observations at Charleston were continued during part of the year. The primary triangulation between the Edisto base and Charleston has made some progress, and the secondary triangulation connected with it, has been executed up the Mundo river to Donnell's island. The secondary triangulation east of Charleston, has been extended. That of Savannah river entrance and Calibogue sound to May river, has been completed. The topography of Seabrooks and Kiawah island, of the mouths of the Stono and Kiawah rivers, of Cove island and part of John's and Folly islands, has been completed. Maffitt's channel has been re-surveyed, and the important changes developed. The hydrography of the entrance to Savannah river has been completed. The tidal station in Charleston harbor has been kept up, and temporary stations there and at St. Simon's established. A comparative map of Maffitt's channel in 1852 and 1854, has been made, and one of Winyah bay and Georgetown harbor and of Savannah river commenced. The preliminary map of Charleston harbor is nearly completed; North Edisto river, new edition, is engraved.

SECTION VI.—*Coast, Keys and Reefs of Florida.*—A reconnaissance has been carried from the St. John's river to Jupiter inlet on the eastern coast of the peninsula of Florida. Astronomical observations have been made to connect Key West and Mobile for difference of longitude. The secondary triangulation has been extended from East harbor key to near Loggerhead key, outside of the keys, and inside over Card's and Barnes' sound, to Grassy Point, and has furnished points near Collin's Patches. The topography has been carried from Old Rhodes key westward to Wednesday Point, and from Boca Chica north and east over several keys, marking them for the Land Office. The hydrography of the reef has been executed from Pacific reef to near Key Rodriguez, and a reconnaissance of Collin's Patches, has been made. Turtle harbor, near Carysfort reef has been surveyed. A winter exploration of the Gulf Stream has been made across it on the St. Simon's and Cape Canaveral sections. Tides have been observed at St. Augustine harbor and entrance, at Cape Florida, and at Eganouk key, Tampa bay. Drawings are completed of the reconnaissance of the eastern coast of the Florida Peninsular, of Turtle harbor, Florida reef, and of Collin's Patches, and the first sheet of the chart of Florida reefs, has been commenced. The maps of St. John's river entrance and of Key West harbor, have been engraved. A sketch of the reconnaissance of the western coast of the peninsula of Florida, and tidal diagrams for Key West harbor have been engraved during the year.

SECTION VII.—*Part of the Coast of Florida.*—A preliminary base has been measured at St. Andrew's bay, and a triangulation laid out. Determinations of latitude and longitude have been made at Cape San Blas and at St. Andrew's bay, and azimuth observations at the latter place. A small triangulation and topographical survey of Ocilla river entrance has been made. The topography of Cedar keys and approaches has been completed, and the hydrography has made considerable progress. Tidal observations have been taken near St. Marks. The reconnaissance of the middle or main and western entrances of St. George's sound has been engraved.

SECTION VIII.—*Coast of Alabama, Mississippi and Louisiana.*—A reconnaissance has been made for the main triangulation from lake Borgne to the delta of the Mississippi, and from New Orleans to Barataria bay. Also for the triangulation from Atchafalaya to Vermillion bay. A special reconnaissance of Pass Fourchon entrance to Bayou La

Fourche has also been made. The primary triangulation of Mississippi sound has been resumed. The secondary triangulation from Lake Ponchartrain to New Orleans has been completed so far as to connect Mobile and New Orleans. The inshore hydrography of the Gulf has been completed from the meridian of Round island westward to Chandeleur sound, and of Mississippi sound to the former work at Cat and Ship islands. Search has been made for a shoal reported south of the Belize, and its site has been sounded over. Tidal observations have been taken at Calcasien. Drawings have been executed of the progress sketch of a chart of deep sea soundings off the Mississippi and of Pass Fourchon. The charts and sketches engraved during the year have been, besides the progress sketches, Horn Island Pass, new edition, Pascagoula river entrance, and Ship Island shoal or Isle Dernière. Mobile bay, Nos. 1 and 2, are in progress.

SECTION IX.—*Coast of Louisiana and Texas.*—A triangulation and topographical survey of the entrance of the Rio Bravo del Norte, and for four miles up the river have been made, and the hydrography of the entrance and approaches executed for the boundary commission. The tidal observations at Galveston and at Bolivar point have been completed. The hydrography of Galveston bay near Red Fish bar, and of part of East and West bays has been completed. Tidal observations have been taken at Aransas pass and at the Brazos St. Jago, belonging to the general series for the Gulf of Mexico. The progress sketch and a topographical sheet of the mouth of the Rio Grande have been drawn. The sketches of Sabine pass, of Galveston bay entrance, of San Louis pass, of Aransas pass, and of the Rio Grande entrance, have been engraved within the year, or are in progress.

SECTIONS X AND XI.—*Coast of California, and of Oregon and Washington Territories.*—Observations for latitude and azimuth and magnetic elements have been made at Humboldt bay. Magnetic observations have also been made at San Diego, San Pedro, San Luis Obispo and at Monterey. The primary triangulation and secondary connected with it, resting on the Pulgas preliminary base, have been carried north to Ballenas bay and south to Monterey, and the tertiary triangulation along the immediate shore has been commenced. A tertiary triangulation has been carried over Ballenas bay and to Duxbury reef. The triangulation for connecting the Santa Barbara Islands and main, resting on the Los Angeles base, has been carried from Las Bol-

sas to Point Duma, and Santa Catalina island has been connected with the main. The triangulation of the Gulf of Georgia and approaches has made good progress. The topography of San Francisco bay has been continued and extended to Point San Matteo, and that of the coast north to Duxbury reef, completed. The topography of Monterey bay has been completed from the Salinas river on the south to the north of Año Nuevo, and a party is at work towards Point Lobos, San Francisco entrance. The hydrography of Tomales bay has been executed. That of Humboldt bay from Eureka, to include the entrance and north to Eel river, has been finished. That of Lummi, and other islands in the Gulf of Georgia, executed. The hydrography of San Francisco entrance and approaches has been nearly completed. That of the inner bay has made some progress. Umquah river entrance has been sounded out. A bank off the coast of Oregon has been explored. Seattle harbor and Port Townsend, Puget's sound, Washington Territory, have been sounded out. The hydrography of the Straits of Rosario and approaches has been completed, and that of the Gulf of Georgia continued. Examinations for light houses have been made at Año Nuevo, and Anacapa island, and others for Punta de los Reyes, Point Lobos, harbor of San Pedro, harbor of Santa Cruz, bay of Monterey, harbor of Santa Barbara, Umquah, Blunt's or Smith's island, New Dungeness and Cape Shoalwater are in progress. Permanent tide gauges have been established at San Diego, San Francisco and Astoria, and temporary ones at San Pedro, San Luis Obispo, Monterey, Humboldt bay, and Port Oxford. Drawings have been completed of Alden's reconnoissance, Nos. 2 and 3, of Santa Cruz harbor, of Point Año Nuevo, of Pulgas base, of Shelter cove, Mendocina city, Port Oxford or Ewing harbor, and Crescent city, of Umquah river and of tidal diagrams. The following maps and charts are in progress: Alden's reconnoissance No. 2, Santa Cruz, Point Año Nuevo, Shelter cove, Mendocina city, Port Oxford or Ewing harbor, and Crescent city harbor and anchorages, and of Umquah river entrance. The following have been engraved during the year: Alden's reconnoissance, San Diego to San Francisco, new edition, the Cortez bank, San Diego harbor entrance, tidal diagrams for Rincon point, the site of the Pulgas base, the tidal diagrams for San Diego, San Francisco, and Astoria.

The observations of the field parties, as they have been turned into the office, have been computed, and when ap-

proved, passed into the archives. The topographical maps and hydrographical charts with the computed results have furnished the data from which the new maps and sketches referred to have been drawn and engraved. Some plates have been prepared for the annual report not coming under the head of any of the sections. The engraved maps have been electrotyped, and from these plates impressions taken for publication. The numerous sketches of progress and others accompanying the report are in part from this data.

The operations of the survey for the last two years have been so seriously embarrassed by the general advance of prices, as to call for a reduction of the scale of surveying operations, or an increase of the several appropriations. The Superintendent has therefore estimated the appropriations for the next year at an advance of twenty per cent. for the Atlantic coast, and somewhat more than that for the Florida reefs and keys. No increase is asked for the western coast, and it is suggested that the appropriation for publishing records and results may be diminished.

The Report of 1854 is more abundant in the results of the Coast Survey observations, discussions and researches, than any of its predecessors. Its contributions to geodesy and the related sciences are exceedingly rich and varied, and we regret that our limits will not permit us to avail ourselves more largely of its contents.

Among the valuable results embodied in the Report, to which we can only allude, are a table showing the depths which can be carried into some of the principal harbors, bays, &c., on the coast of the United States; a table of Magnetic Declinations, one of the most extensive and laborious contributions ever made to the physical science of our country; accounts of the several discoveries and developments of the year; several reconnoissances; reports on the commercial facilities of Chesapeake bay, Tampa bay, Cedar keys, and Humboldt bay; various tidal papers; an elaborate geodetic paper on the application of the method of least squares to the primary triangulation; Captain Crane's report on the methods of measuring heights; a description of Professor Bache's base apparatus; Professors Pierce, Bond, and Kendall on the longitudes by moon culminations; observations on the solar eclipse of 1854; Doctor Gould's reports on telegraphic longitude and Pierce's criterion; a discussion of cotidal lines on the Atlantic coast, and of the diurnal inequality of the Pacific coast tides; a paper on Gulf

stream temperatures; discussions of the currents of Nantucket shoals, Muskeget channel, and Long Island sound; tide tables for the United States coast; very extensive and complete descriptions of Mitchell's tide gauge and Craven's sounding box; a report on Mr. Mathiot's self sustaining battery, and a report on the art of engraving.

To these might be added sundry special reports on light house examinations and other incidents of the year's operations; also, a full consolidated index of the Coast Survey Reports for the last ten years.

XII.—ORGANIZATION OF TERRITORIES.

Thirty-Third Congress, Sess, I. Ch. 59, 1854.

AN ACT TO ORGANIZE THE TERRITORIES OF NEBRASKA AND KANSAS.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: beginning at a point in the Missouri River where the fortieth parallel of north latitude crosses the same; thence west on said parallel to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence on said summit northward to the forty-ninth parallel of north latitude; thence east on said parallel to the western boundary of the territory of Minnesota; thence southward on said boundary to the Missouri River; thence down the main channel of said river to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Nebraska; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission: *Provided*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such right shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Nebraska, until said tribe shall signify their*

assent to the President of the United States to be included within the said Territory of Nebraska, or to affect the authority of the government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the government to make if this act had never passed.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Nebraska shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, and shall be commander-in-chief of the militia thereof. He may grant pardons and respites for offences against the laws of said Territory, and reprieves for offences against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for five years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws and journals of the Legislative Assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year to the President of the United States, and two copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, to be deposited in the libraries of Congress; and in case of the death, removal, resignation, or absence of the Governor from the Territory, the Secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or absence, or until another Governor shall be duly appointed and qualified to fill such vacancy.

SEC. 4. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the quali-

fications of voters, as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall, at its first session, consist of twenty-six members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of qualified voters: *Provided*, That the whole number shall never exceed thirty-nine. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the council and representatives, giving to each section of the Territory representation in the ratio of its qualified voters as nearly as may be. And the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district or county, or counties for which they may be elected, respectively. Previous to the first election, the Governor shall cause a census, or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory, to be taken by such persons and in such mode as the Governor shall designate and appoint; and the persons so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the Governor shall appoint and direct; and he shall at the same time declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of said council districts for members of the Council, shall be declared by the Governor to be duly elected to the Council; and the persons having the highest number of legal votes for the House of Representatives, shall be declared by the Governor to be duly elected members of said house: *Provided*, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the Legislative Assembly, the Governor shall order a new election; and the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the Governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the Council and House of Representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the

commencement of the regular sessions of the Legislative Assembly: *Provided*, That no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

SEC. 5. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act: *And provided further*, That no officer, soldier, seaman, or marine, or other person in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote or hold office in said Territory, by reason of being on service therein.

SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the Council and House of Representatives of the said Territory shall, before it become a law, be presented to the Governor of the Territory; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like

manner as if he had signed it, unless the Assembly, by adjournment, prevents its return, in which case it shall not be a law.

SEC. 7. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory of Nebraska. The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and in the first instance the Governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the Legislative Assembly; and shall lay off the necessary districts for members of the Council and House of Representatives, and all other officers.

SEC. 8. *And be it further enacted*, That no member of the Legislative Assembly shall hold, or be appointed to, any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first Legislative Assembly; and no person holding a commission or appointment under the United States, except Postmasters, shall be a member of the Legislative Assembly, or hold any office under the government of said Territory.

SEC. 9. *And be it further enacted*, That the judicial power of said Territory shall be vested in a Supreme Court, District Courts, Probate Courts, and in Justices of the Peace. The Supreme Court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years, and until their successor shall be appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the Supreme Court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or

boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction. Each District Court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals shall be allowed in all cases from the final decisions of said district courts to the Supreme Court, under such regulations as may be prescribed by law; but in no case removed to the Supreme Court shall trial by jury be allowed in said court. The Supreme Court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error, and appeals from the final decisions of said Supreme Court, shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; except only that in all cases involving title to slaves, the said writs of error, or appeals shall be allowed and decided by the said Supreme Court, without regard to the value of the matter, property, or title in controversy; and except also that a writ of error or appeal shall also be allowed to the Supreme Court of the United States, from the decision of the said Supreme Court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of *habeas corpus*, involving the question of personal freedom: *Provided*, that nothing herein contained shall be construed to apply to or affect the provisions to the "act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelfth, seventeen hundred and ninety-three, and the "act to amend and supplementary to the aforesaid act," approved September eighteen, eighteen hundred and fifty; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and Laws of the United States as is vested in the Circuit and District Courts of the United States; and the said Supreme and District Courts of the said Territory, and the respective judges thereof, shall and may grant writs of *habeas corpus* in all cases in which the same are granted by the judges of the

United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws, and writs of error and appeal in all such cases shall be made to the Supreme Court of said Territory, the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of Utah Territory now receive for similar services.

SEC. 10. *And be it further enacted*, That the provisions of an act entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelve, seventeen hundred and ninety-three, and the provisions of the act entitled "An act to amend and supplementary to, the aforesaid act," approved September eighteen, eighteen hundred and fifty, be, and the same are hereby, declared to extend to and be in full force within the limits of said Territory of Nebraska.

SEC. 11. *And be it further enacted*, That there shall be appointed an Attorney for said Territory, who shall continue in office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall receive the same fees and salary as the Attorney of the United States for the present Territory of Utah. There shall also be a Marshal for the Territory appointed, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as Circuit and District Courts of the United States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees, as the Marshal of the District Court of the United States for the present Territory of Utah, and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

SEC. 12. *And be it further enacted*, That the Governor, Secretary, Chief Justice, and Associate Justices, Attorney and Marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The Governor and Secretary to be appointed as aforesaid, shall, before they act as such, respectively take an oath or affirmation before the District Judge or some Justice of the Peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the Chief Justice, or some Associate Justice of the Supreme Court of the United States,

to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the said Secretary among the Executive proceedings; and the Chief Justice and Associate Justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or Secretary, or some Judge or Justice of the Peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the Secretary, to be by him recorded as aforesaid; and, afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of two thousand five hundred dollars. The Chief Justice and Associate Justices shall each receive an annual salary of two thousand dollars. The Secretary shall receive an annual salary of two thousand dollars. The said salaries shall be paid quarter-yearly, from the dates of the respective appointments, at the Treasury of the United States; but no such payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the Legislative Assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest usually travelled route; and an additional allowance of three dollars shall be paid to the presiding officer of each house for each day he shall so preside. And a chief clerk, one assistant clerk, a sergeant-at-arms, and doorkeeper may be chosen for each house; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day, during the session of the Legislative Assembly; but no other officers shall be paid by the United States: *Provided*, That there shall be but one session of the legislature annually, unless, on an extraordinary occasion, the Governor shall think proper to call the legislature together. There shall be appropriated, annually, the usual sum, to be expended by the Governor, to defray the contingent expenses of the Territory, including the salary of a clerk of the Executive Department; and there shall also be appropriated, annually, a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of

the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the Governor and Secretary of the Territory shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall, semi-annually, account to the said Secretary for the manner in which the aforesaid moneys shall have been expended; and no expenditure shall be made by said Legislative Assembly for objects not specially authorized by the acts of Congress, making the appropriations, nor beyond the sums thus appropriated for such objects.

SEC. 13. *And be it further enacted*, That the Legislative Assembly of the Territory of Nebraska shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Governor and Legislative Assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly.

SEC. 14. *And be it further enacted*, That a delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives, but the delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and at all subsequent elections the times, places, and manner of holding the elections, shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected; and a certificate thereof shall be given accordingly. That the Constitution and all Laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the

States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, that nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

SEC. 15. *And be it further enacted*, That there shall hereafter be appropriated, as has been customary for the Territorial governments, a sufficient amount, to be expended under the direction of the said Governor of the Territory of Nebraska, not exceeding the sums heretofore appropriated for similar objects, for the erection of suitable public buildings at the seat of government, and for the purchase of a library, to be kept at the seat of government for the use of the Governor, Legislative Assembly, Judges of the Supreme Court, Secretary, Marshal, and Attorney of said Territory, and such other persons, and under such regulations, as shall be prescribed by law.

SEC. 16. *And be it further enacted*, That when the lands in the said Territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

SEC. 17. *And be it further enacted*, That, until otherwise provided by law, the Governor of said Territory may define the Judicial Districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts; and also appoint the times and places for holding courts in the several counties or subdivisions in each of said Judicial Districts by proclamation, to be issued by him; but the Legislative Assembly, at their first or any subsequent session, may organize, alter, or modify such Judicial Districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

SEC. 18. *And be it further enacted*, That all officers to be

appointed by the President, by and with the advice and consent of the Senate, for the Territory of Nebraska, who, by virtue of the provisions of any law now existing, or which may be enacted during the present Congress, are required to give security for moneys that may be intrusted with them for disbursement, shall give such security, at such time and place, and in such manner, as the Secretary of the Treasury may prescribe.

SEC. 19. *And be it further enacted*, That all that part of the Territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit, beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the eastern boundary of New Mexico; thence north on said boundary to latitude thirty-eight; thence following said boundary westward to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence northward on said summit to the fortieth parallel of latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Kansas; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their Constitution may prescribe at the time of their admission: *Provided*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the territory of Kansas, until said tribe shall signify their assent to the President of the United States to be included within the said Terri-

tory of Kansas, or to affect the authority of the government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the government to make if this act had never passed.

SEC. 20. *And be it further enacted*, That the executive power and authority in and over said Territory of Kansas shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, and shall be commander-in-chief of the militia thereof. He may grant pardons and respites for offences against the laws of said Territory, and reprieves for offences against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

SEC. 21. *And be it further enacted*, That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for five years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his Executive Department; he shall transmit one copy of the laws and journals of the Legislative Assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year, to the President of the United States, and two copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, to be deposited in the libraries of Congress; and, in case of the death, removal, resignation, or absence of the Governor from the Territory, the Secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or absence, or until another Governor shall be duly appointed and qualified to fill such vacancy.

SEC. 22. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having

the qualifications of voters, as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall, at its first session, consist of twenty-six members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of qualified voters: *Provided*, That the whole number shall never exceed thirty-nine. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its qualified voters, as nearly as may be. And the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district or county, or counties, for which they may be elected, respectively. Previous to the first election, the Governor shall cause a census, or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory, to be taken by such persons and in such mode as the Governor shall designate and appoint; and the persons so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the Governor shall appoint and direct; and he shall at the same time declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of said Council districts for members of the Council, shall be declared by the Governor to be duly elected to the Council; and the persons having the highest number of legal votes for the House of Representatives, shall be declared by the Governor to be duly elected members of said house: *Provided*, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the Legislative Assembly, the Governor shall order a new election; and the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the Governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the Council and House of Representatives, according to the number of qualified voters, shall be prescribed by law,

as well as the day of the commencement of the regular sessions of the Legislative Assembly: *Provided*, That no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

SEC. 23. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act: *And, provided further*, That no officer, soldier, seaman, or marine, or other person in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote or hold office in said Territory by reason of being on service therein.

SEC. 24. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the Council and House of Representatives of said Territory shall, before it become a law, be presented to the Governor of the Territory; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each house, respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if

he had signed it, unless the Assembly, by adjournment, prevent its return, in which case it shall not be a law.

SEC. 25. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory of Kansas. The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and, in the first instance, the Governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the Legislative Assembly; and shall lay off the necessary districts for members of the Council and House of Representatives, and all other officers.

SEC. 26. *And be it further enacted*, That no member of the Legislative Assembly shall hold, or be appointed to, any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first Legislative Assembly; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly, or shall hold any office under the government of said Territory.

SEC. 27. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The Supreme Court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually; and they shall hold their offices during the period of four years, and until their successors shall be appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the Supreme Court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or

sum claimed shall exceed one hundred dollars ; and the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction. Each District Court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the Supreme Court, under such regulations as may be prescribed by law ; but in no case removed to the Supreme Court shall trial by jury be allowed in said court. The Supreme Court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error, and appeals from the final decisions of said Supreme Court, shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the Circuit Courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars ; except only that in all cases involving title to slaves, the said writs of error or appeals shall be allowed and decided by said supreme court, without regard to the value of the matter, property, or title in controversy ; and except also that a writ of error or appeal shall also be allowed to the Supreme Court of the United States, from the decision of the said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of habeas corpus, involving the question of personal freedom : *Provided*, That nothing herein contained shall be construed to apply to or affect the provisions of the "act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelfth, seventeen hundred and ninety-three, and the "act to amend and supplementary to the aforesaid act," approved September eighteenth, eighteen hundred and fifty ; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the Circuit and District Courts of the United States ; and the said supreme and district courts of the said Territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are granted by the judges of the United States in the District of Columbia ; and the first six days of every term of said courts, or so much thereof as may be ne-

cessary, shall be appropriated to the trial of causes arising under the said Constitution and laws, and writs of error and appeal in all such cases shall be made to the Supreme Court of said Territory, the same as in other cases. The said clerk shall receive the same fees, in all such cases, which the clerks of the district courts of Utah Territory now receive for similar services.

SEC. 28. *And be it further enacted*, That the provisions of the act entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelfth, seventeen hundred and ninety-three, and the provisions of the act entitled "An act to amend, and supplementary to, the aforesaid act," approved September eighteenth, eighteen hundred and fifty, be, and the same are hereby, declared to extend to and be in full force within the limits of the said Territory of Kansas.

SEC. 29. *And be it further enacted*, That there shall be appointed an attorney for said Territory, who shall continue in office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall receive the same fees and salary as the Attorney of the United States for the present Territory of Utah. There shall also be a marshal for the Territory appointed who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as Circuit and District Courts of the United States; he shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees, as the Marshal of the District Court of the United States for the present Territory of Utah, and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

SEC. 30. *And be it further enacted*, That the Governor, Secretary, Chief Justice, and Associate Justices, Attorney, and Marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The Governor and Secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before the district judge or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the Chief Justice or some Associate Justice of the Supreme Court of the United States, to support the Constitution of the United States, and

faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the Chief Justice and Associate Justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or Secretary, or some Judge or Justice of the Peace of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the Secretary, to be by him recorded as aforesaid; and, afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of two thousand five hundred dollars. The Chief Justice and Associate Justices shall receive an annual salary of two thousand dollars. The Secretary shall receive an annual salary of two thousand dollars. The said salaries shall be paid quarter-yearly, from the dates of the respective appointments, at the Treasury of the United States; but no such payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the Legislative Assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest usually travelled route; and an additional allowance of three dollars shall be paid to the presiding officer of each house for each day he shall so preside. And a chief clerk, one assistant clerk, a sergeant-at-arms, and door-keeper, may be chosen for each house; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day, during the session of the Legislative Assembly; but no other officers shall be paid by the United States: *Provided*, That there shall be but one session of the Legislature annually, unless, on an extraordinary occasion, the Governor shall think proper to call the Legislature together. There shall be appropriated, annually, the usual sum, to be expended by the Governor, to defray the contingent expenses of the Territory, including the salary of a clerk of the Executive Department, and there shall also be appropriated, annually, a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative As-

sembly, the printing of the laws, and other incidental expenses; and the Governor and Secretary of the Territory shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall, semi-annually, account to the said Secretary for the manner in which the aforesaid moneys shall have been expended; and no expenditure shall be made by said Legislative Assembly for objects not specially authorized by the acts of Congress making the appropriations nor beyond the sums thus appropriated for such objects.

SEC. 31. *And be it further enacted*, That the seat of government of said Territory is hereby located temporarily at Fort Leavenworth; and that such portions of the public buildings as may not be actually used and needed for military purposes, may be occupied and used, under the direction of the Governor and Legislative Assembly, for such public purposes as may be required under the provisions of this act.

SEC. 32. *And be it further enacted*, That a delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives, but the delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly. That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Kansas as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this

act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth of March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

SEC. 33. *And be it further enacted*, That there shall hereafter be appropriated, as has been customary for the territorial governments, a sufficient amount, to be expended under the direction of the said Governor of the Territory of Kansas, not exceeding the sums heretofore appropriated for similar objects, for the erection of suitable public buildings at the seat of government, and for the purchase of a library, to be kept at the seat of government for the use of the Governor, Legislative Assembly, Judges of the Supreme Court, Secretary, Marshal, and Attorney of said Territory, and such other persons, and under such regulations, as shall be prescribed by law.

SEC. 34. *And be it further enacted*, That when the lands in the said Territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

SEC. 35. *And be it further enacted*, That until otherwise provided by law, the Governor of said Territory may define the Judicial Districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts; and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts by proclamation to be issued by him; but the Legislative Assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts as to them shall seem proper and convenient.

SEC. 36. *And be it further enacted*, That all officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territory of Kansas, who, by virtue of the provisions of any law now existing, or which may be enacted during the present Congress, are required to give

security for moneys that may be intrusted with them for disbursement, shall give such security, at such time and place, and in such manner as the Secretary of the Treasury may prescribe.

SEC. 37. *And be it further enacted*, That all treaties, laws, and other engagements made by the government of the United States with the Indian tribes inhabiting the territories embraced within this act, shall be faithfully and rigidly observed, notwithstanding any thing contained in this act; and that the existing agencies and superintendencies of said Indians be continued with the same powers and duties which are now prescribed by law, except that the President of the United States may, at his discretion, change the location of the office of superintendent.

Approved, May 30, 1854.

XIII.—FOREIGN AFFAIRS.

DENMARK AND THE SOUND DUES.

[Ex. Doc. No. 108, House of Representatives, 1st Session 33d Congress.]

Mr. Jackson to the Secretary of State.

[No. 6.] LEGATION OF THE U. STATES, COPENHAGEN,
December 1, 1841.

SIR: In compliance with the instructions contained in your despatch No. 6, I have made minute inquiries in relation to the practical effect of the new tariff of Sound dues on American commerce, and more especially as to the duty imposed by this tariff upon the two items named by you—to wit, raw sugar and rice in paddy. I hasten to lay before you the result of my investigation.

The proposed object of the new tariff was to correct the arbitrary and indefinite mode of ascertaining the Sound dues on certain articles not enumerated in the tariff of the treaty of Christianople, and to correct the ad valorem duty calculated on those articles, according to the rule laid down in the 3d section of the treaty of 1715, into a specific duty by the means of a fixed valuation.

The treaty of Christianople, to which reference has been made in all subsequent treaties in relation to the Sound dues, was concluded on the 16th of August, in the year 1645, between Denmark and the Netherlands.

It is the earliest treaty between Denmark and any foreign power in which the amount of duty to be paid on the passage of the Sound and the Belts was fixed with any degree of certainty. By this convention a tariff of specific duties was established on nearly three hundred enumerated articles: and it was further agreed that "all merchandise not specified in this list should be reckoned after mercantile usage, and as had been the custom from time immemorial." That is to say, according to the best Danish writers on the subject, "conformably to the denomination of these non-specified articles," they should either be compared with those specified to which they bore the greatest resemblance, and the calculation to be made on that basis, or they should be reckoned according to their value, and the duty to be paid thereon at the rate of one per centum.

As the articles not enumerated in this tariff grew into commercial importance, it was found necessary to clear up

the obscurity in which they were left by this treaty, and to establish some more definite mode of ascertaining the amount of duties to be levied upon them.

Another treaty was consequently made between Denmark and the Low Countries, at Copenhagen, on the 15th of June, in the year 1701. By the 3d article of this treaty, it was declared that the wares and goods which are not specified in the aforesaid tariff of the year 1645, shall pay the same Sound duty according to their value—that is to say, the value of the same shall be reckoned according to the place whence they came, and they shall pay one per centum of that value.

The great change which has taken place in the commerce of the world since the date of these two treaties, the immense increase in the trade of the Baltic, but more especially the fall in the price of those commodities which constitute the basis of that trade, had caused the Sound dues to vary very essentially from the spirit of those treaties, as declared in the 3d section of the treaty of 1701. The Danish government had made no corresponding change in the mode of calculating those dues, but still continued to levy them according to their long-established custom. In this manner a duty of from two to six per cent. *ad valorem* was often levied upon commodities which should have paid but one per centum.

Against these abuses the merchants of the United States, of Great Britain, and of Sweden, had often remonstrated; but it is worthy of remark that the government of the United States was the first that publicly declared its intention to have these abuses corrected. This intention it clearly set forth in the very able paper on the subject issued from the State Department, and laid before Congress at the opening of the late extra session.

Moved by the complaints of the English merchants, the government of Great Britain entered into a negotiation with that of Denmark in relation to the Sound dues, which terminated in the establishment of the new tariff, declared by his Danish Majesty's envoy extraordinary and minister plenipotentiary at the Court of St. James and her Britannic Majesty's Principal Secretary of State for Foreign Affairs, to be adopted by their respective governments for the space of ten years from the 15th day of June, 1841, "and further until the end of twelve months after either of the respective governments shall have given notice to the other of its intention no longer to abide by this agreement."

The avowed intention of this new tariff was to reduce the duty on all articles not enumerated in the tariff of the treaty

of Christianople to one per cent. ad valorem. The commissioners appointed to arrange the mode of calculating this duty, Mr. Macgregor, the British consul at Elsinore, on the part of Great Britain, and Mr. Wessel and Mr. Olrik, officers in the Danish custom-house, on the part of Denmark, were selected for this purpose, as being especially well qualified therefor by their long official residence at Elsinore, and their familiarity with everything connected with the levying and collecting of the Sound dues.

It was at first proposed to charge a duty of one per cent. ad valorem on the invoices of all cargoes passing the Sound or the Belts, taking the original cost of the various commodities at the place whence they were shipped, as the amount on which the one per cent. should be calculated. But to this mode, although apparently the plainest and most simple, many strong objections were made: the principal of which were, the difficulty of ascertaining at all times the original cost of various articles, and the vexatious delays that would frequently and unavoidably occur in the slow and laborious process of levying the dues in this manner at Elsinore, where sometimes forty or fifty vessels arrive in a single day. After much discussion, the commissioners finally agreed upon a tariff founded on the principle of converting the ad valorem duty of one per cent. on articles not enumerated in the treaty of Christianople, into a *specific* duty to be *equivalent* to one per cent. upon a fixed valuation on those articles. The tariff thus agreed upon by the commissioners is the new tariff adopted by the respective governments of Great Britain and Denmark.

The effect of the new tariff on the two articles named in your dispatch No. 6, viz: raw sugar and rice in paddy, has been to reduce the duty on the former from nine to five stivers on the hundred pounds; and, on the latter, from one and a half stiver the bushel,* to six stivers the four hundred pounds.

In fixing the specific duty of five stivers per hundred pounds on raw sugars, ten specie dollars is assumed as the original cost of this article. This appeared to be so high a valuation for raw sugars in general, as to lead me to make very particular inquiries into the mode by which this valuation was arrived at. I ascertained that with regard to this, as well as other commodities, the commissioners have taken, as near as they could learn it, the original cost of the article at the place whence it was shipped, for the past *ten years*.

* A bushel of paddy weighs, upon an average, about 40 pounds Danish, which is 4½ pounds American.

and have assumed the *average* cost of these ten years as a proper and just valuation on which to calculate a sum as a specific duty, which should be equivalent to the ad valorem duty of one per cent., according to the third section of the treaty of 1715. The high valuation of raw sugars made in this manner by the commissioners, is accounted for by the fact, that since the duty on all unrefined sugars has been equalized in Russia, nearly all the sugars that pass the Sound are the finer kinds of white Havana sugars—the lower priced yellow sugars being now very rarely sent up the Baltic in American vessels, simply because, as they pay precisely the same duties with the finer white sugars, they are found to be less profitable.

At the present moment, owing to the uncertain state of the money market, and the general depression in all kinds of trade, the price of sugars, as well as of other leading articles of commerce, is unusually low, not only in Denmark and throughout the north of Europe, but likewise at the ports of original shipment. The present price, therefore, can form no criterion for the fair average value of such sugars as are now sent up the Baltic. The cost of the finer white sugars, for the past ten years, has varied from eight and a half to eleven dollars per hundred pounds in Havana, from which place, or from the neighboring port of Matanzas, the greater portion of the sugars sent up the Baltic in American vessels is originally shipped, as will appear upon a reference to the "statement" appended to this despatch.

The average of these prices would make the valuation of the commissioners appear to be a fair one; and, consequently, the specific duty of five stivers per hundred pounds, if at all too high, would certainly be only a small fraction* of one per cent. more, upon an average, than the ad valorem duty of one per cent. to be levied according to the third section of the treaty of 1715.

On *rice in paddy*, by the new tariff, the Sound dues are reduced from one and a half stiver per bushel to six stivers per four hundred pounds—a reduction of nearly two-thirds of the old duty. The original cost of all the American rice that has paid the Sound dues, for the past ten years, has averaged about eighty-five cents per bushel. At this rate, the specific duty of six stivers per four hundred pounds, is about one and a half per cent. on the average original cost of this article; an evident excess, therefore, so far as American rice in paddy is concerned, of one-half of one per cent. over the

* There are but forty-eight stivers in the specie dollar; therefore five stivers is *one-fifth* of a stiver more than one per cent. on ten specie dollars.

ad valorem duty agreed upon in the third section of the treaty of 1715.

Your instructions rendered it my duty to obtain the proper information to transmit to the department in relation to the effect of the new tariff on the second item named in your despatch No. 6. In the course of my investigation, however, I have ascertained that the duty on this commodity is one of very little importance to American commerce. *Clean* rice is now invariably preferred to rice in paddy by the Baltic merchants; and Copenhagen and Strasburg (a town of considerable commerce in the Duchy of Sleswick) are the only places east of the Sound where mills are now in operation to clean rice from its husk. A reference to the "statement" appended to this despatch, will show that but one small cargo of rice in paddy has passed the Sound in an American vessel for the past four years—beyond which my research has not extended; and even this one cargo, though freighted in an American ship, was wholly owned by a Dane, by whom the Sound dues were paid.

By the new tariff, the duty on some other articles of more importance to American commerce is greatly reduced. On *dye-woods*, with which American vessels are sometimes freighted up the Baltic, the duty is reduced from *thirty* stivers to eight stivers per thousand pounds, of certain kinds; and from thirty-six stivers to twelve stivers for the remainder. On *coffee*, the duty is reduced from twenty-four stivers to six stivers per hundred pounds. The effect of this latter reduction will probably be to cause this very important article to be hereafter shipped directly up the Baltic, instead of being sent, as heretofore, to Hamburg, and thence by land, across to Lubec, to avoid the heavy Sound dues.

The general effect of the new tariff will, I have no doubt, prove beneficial to American commerce. The profit on each individual cargo passing the Sound may be no greater to the American shipper, as the price of the various commodities affected by this tariff will probably fall in the Baltic markets, in proportion to the reduction of the duty thereon; but a lower price will, as a matter of course, increase the consumption of those commodities, and will, therefore, create a demand for a greater supply. Of the advantages arising from this increased demand, the well-known enterprise of American merchants will no doubt give them a full share.

I have the honor to be, very respectfully, your obedient servant,

J. R. JACKSON.

To the Hon. SECRETARY OF STATE
of the United States.

Mr. Webster to Mr. Jackson.

[Extract.]

[No. 11.]

DEPARTMENT OF STATE,

Washington, June 11, 1842.

SIR: * * * * *

Copies of the new tariff of Sound dues have just been communicated to the department by the chargé d'affaires of Denmark near this government, with a note explanatory of its favorable operation upon American commerce.

These provisions have proved very satisfactory to this government, and you will take a fit opportunity for communicating the expression of this satisfaction to the government of Denmark.

I have pleasure in adding, that your diligence and fidelity in discharging your duties in regard to this subject, meet the President's approbation.

I am, sir, respectfully, your obedient servant,

DANIEL WEBSTER.

ISAAC RAND JACKSON, Esq., &c., &c.,

Copenhagen.

—
Mr. Irwin to the Secretary of State.

[Extract.]

[No. 18.]

LEGATION OF THE UNITED STATES,

COPENHAGEN, February 10, 1844.

SIR: * * * * *

Your observations with regard to the Sound dues and the treaties with the Northern powers, have given rise to much comment and speculation on the part of my diplomatic colleagues; but all remark on those subjects has been studiously avoided by every one connected with the administration of this government. Although the payment of the Sound dues has been guarantied by several of the European powers in their treaties with Denmark, I have no doubt that the example of our government in refusing longer submission to the exaction would be soon followed by Prussia and other States, who look upon it as a burden on their trade in the Baltic. These dues yield a very considerable revenue to Denmark, any diminution of which, in the present condition of her finances, would subject her to great inconvenience. She claims them by virtue of long established usage, and under the pretence of protecting the commerce and vessels of other nations, at her sole expense, by furnishing an adequate number of lights and safe pilotage in an extremely difficult and hazardous navigation. I have heard it also in-

estimated that she maintains her right by the allegation that the Baltic has been immemorially regarded as a *mare clausum*. Denmark will doubtless, therefore, seek to fortify her position by alliance and treaty with other nations; and, if it is contemplated by our government to give the notice stipulated in our treaty with this government, with a view to some new arrangement, or to the resistance of any further exaction of this tribute, I would respectfully suggest the inexpediency of any unnecessary delay on our part. If it is expected that I shall make any movement in this matter, or in reference to a new treaty, I shall be glad to be furnished with full instructions by your department. With the view of placing you in possession of as much information as I could readily command with regard to the number of American vessels, and those of other nations which had passed the Sound during a series of years, and the amount of dues paid by our vessels during the same period, I have the honor to enclose herewith three lists which have been furnished, at my instance, by our consul at Elsinore. The lists embrace the years 1837, 1838, 1839, 1840, 1841, 1842, 1843, and are as follows:

1. List of American vessels that have passed the Sound at Elsinore, to and from the Baltic.

2. Specifications of ships of all nations that have passed the Sound at Elsinore, to and from the Baltic.

3. Specification of Sound dues paid on goods shipped by American vessels to and from the Baltic.

In the last mentioned list, the amount is given in species, each species being equal to two rigsbank dollars Danish, or one hundred and seven cents of our money. I regret that it has not been in my power to furnish you with a statement of the tonnage of the above vessels, being informed that no register of the tonnage is kept at Elsinore.

[Enclosed in despatch No. 18.]

1. List of American vessels that have passed the Sound at Elsinore, to and from the Baltic sea, during the following years, viz:

Years.	Vessels.
1837.....	104
1838.....	153
1839.....	114
1840.....	143
1841.....	122
1842.....	113
1843.....	152

[Enclosed in despatch No. 18.]

Specification of ships of all nations that have passed the Sound at Elsinore, to and from the Baltic sea, during the following years, viz:

	1837.	1838.	1839.	1840.	1841.	1842.	1843.
American....	104	153	114	143	122	113	152
Belgian.....	43	25	34	20	11	6	6
Bremen.....	40	45	65	58	68	56	36
Danish.....	1,125	1,019	1,139	1,045	1,032	1,070	1,410
Dutch.....	848	955	1,192	950	970	917	1,236
English.....	3,417	4,009	4,498	3,972	3,777	3,519	3,515
French.....	130	268	240	239	218	238	179
Hamburgh..	40	29	18	23	20	14	27
Hanoverian	471	528	819	768	823	765	837
Lubeck.....	93	107	108	96	88	77	76
Mecklenb'g.	763	842	970	953	958	826	840
Neapolitan.	27	28	44	48	15	51	67
Norwegian.	1,843	1,497	1,691	2,082	1,666	1,848	1,635
Oldenburg..	56	59	125	83	132	142	183
Portuguese.	4	.....	3	4	3	2	2
Prussian....	2,319	2,491	3,045	2,996	2,850	2,311	2,582
Russian.....	735	759	837	820	831	757	738
Spanish.....	14	17	20	18	14	4	8
Swedish.....	1,043	1,152	1,252	1,384	1,182	1,278	1,451

Total..... 13,115 13,983 16,214 15,702 14,780 13,994 14,980

[Enclosed in despatch No. 18.]

Specification of Sound dues paid on goods shipped by American vessels to and from the Baltic sea in the following years, viz:

	SUMMARY.	Species.
1837.....		90,224 01
1838.....		128,165 40
1839.....		84,119 33
1840.....		113,414 46
1841.....		90,514 32
1842.....		67,144 14
1843.....		81,513 42

Mr. Irwin to Mr. Buchanan.

[Extract.]

[No. 81.]

LEGATION OF THE UNITED STATES,
COPENHAGEN, June 1, 1846.

SIR: I have the honor to inform you that on the 29th ult.

I received a note from his Danish Majesty's Minister of Foreign Affairs, bearing date the day previous (copies of which, and of my reply thereto, are herewith transmitted,) communicating copies of proclamations, by order of his Danish Majesty, respecting sundry modifications in the tariff of Sound dues, and of tolls on certain articles of merchandise passing the Sleswick-Holstein canal.

Enclosed you will find translations from the German and Danish of these proclamations, from which it will be perceived that a reduction has been made in the Sound tolls on cotton-wool (raw,) from 18 to 10 stivers per 100 lbs., on spirits (distilled from potatoes and grain,) from 4 to 3 stivers per barrel, and on raw sugar from 5 to 4 stivers per 100 lbs. The stiver, according to the convention on the Sound toll with Great Britain, of the 13th August, 1841, is computed at 4 rigsbank shillings, Danish, or a little more than two cents of our money; so that the duty on our great staple, raw cotton, is reduced from about 36 to about 20 cents per 100 lbs. in Sound toll, and a similar reduction is made on that article with respect to the tolls on the Sleswick-Holstein canal. The reduction commences this day.

—
Mr. Flenniken to Mr. Buchanan.

[Extract.]

[No. 45.]

LEGATION OF THE UNITED STATES,
COPENHAGEN, *September 8, 1848.*

SIR: * * * * * *

I would respectfully draw the attention of the department to the question of the Sound dues. I think it not improbable that Germany, in negotiating a permanent treaty of peace with Denmark, will insist upon the abolishment of these dues, which, in my opinion, she would have a very just right to do, for surely this exaction is a most offensive burden upon the commerce of the world, and wholly indefensible upon any principle of international right. I have recently introduced this question twice in my interviews with the Minister of Foreign Affairs, who, with the characteristic frankness of his nature, admits to me that he cannot defend the principle upon which these dues are exacted, but begged me to delay pressing the question until they got rid of their war with Germany. I told him it was by no means my intention to add to the embarrassments of the ministry by the addition of this question during the pendency of hostilities, but might perhaps more formally introduce the subject upon the conclusion of a general armistice.

Mr. Buchanan to Mr. Flenniken.

[No. 7.]

DEPARTMENT OF STATE,

Washington, October 14, 1848.

SIR: From your despatch No. 45, of the 8th September, as well as from your private letter, I am happy to learn that there is now a reasonable prospect that our commerce may be relieved from the "Sound dues" paid to Denmark. The admission of the Danish Minister for Foreign Affairs, in conversation with you, "that he cannot defend the principle upon which these dues are exacted," is certainly a favorable indication.

You acted properly in not pressing the question whilst Denmark was engaged in hostilities with Germany; but as the armistice concluded between the King of Prussia and his Danish Majesty has now been finally ratified at Frankfort, I agree with you "that the present may, perhaps be an auspicious period to introduce this question formally and with determination to the Danish government."

Under the public law of nations, it cannot be pretended that Denmark has any right to levy duties on vessels passing through the Sound from the North Sea to the Baltic. Under that law, the navigation of the two seas connected with this strait is free to all nations; and therefore the navigation of the channel by which they are connected ought also to be free. In the language employed by Mr. Wheaton, "even if such strait be bounded on both sides by the territory of the same sovereign, and is at the same time so narrow as to be commanded by cannon-shot from both shores, the exclusive territorial jurisdiction of that sovereign over such strait is controlled by the right of other nations to communicate with the seas thus connected." But the Sound is not bounded on both its shores by Danish territory, nor has it been since the treaty of Roeskild, in 1658, by which all the Danish provinces beyond the Sound were ceded to Sweden. So that even this pretext for levying the Sound dues has ceased to exist for nearly two centuries.

It is true that for several centuries Denmark has continued to levy these dues; and she now claims this as a right, "upon immemorial prescription, sanctioned by a long succession of treaties with foreign powers." But the foundations of this claim were laid in a remote and barbarous age, even before the discovery of America; and the reasons which are now alleged in its support have no application whatever to the United States. They apply exclusively to the nations of Europe.

It may be said that the 5th article of our treaty with Denmark of the 26th of April, 1826, gives an indirect sanction to this practice, by providing that "neither the vessels of the United States nor their cargoes shall, when they pass the Sound or the Belts, pay higher or other duties than those which are or may be paid by the most favored nation." But this article does not recognize the right of Denmark to levy these duties. It is a mere submission to the practice for a period of ten years; and the government of the United States may now at any moment give the notice required by the treaty, and thus terminate it at the end of one year.

These duties are both vexatious and onerous to our navigation. The loss of time and delay of our vessels at Cronberg castle, whilst the duties are assessed and paid, constitute a serious annoyance and injury to our commerce. Besides, the amount of duties is so great as to be a heavy burden upon our trade to the Baltic. Your predecessor, Mr. Irwin, in a despatch under date of the 3d June, 1847, (No. 121) to which I refer you, has furnished the department with tabular statements of the amount of these duties exacted from American vessels for a period of sixteen years, from 1828 to 1843, both inclusive; from which it appears that the average for each year would amount to \$107,467 71. According to these statements, the average tonnage of our vessels going through the Sound during these years was 21,415, and that returning was 21,108 tons. This sum would, therefore, be about equal to an average tonnage duty upon each vessel for passing and repassing the Sound of \$5 per ton, including both voyages. Besides, there are other charges for light-money, fees, &c. This large tax is paid by vessels of the United States for liberty to pass through a strait between two seas, which, by the law of nature and of nations, is free and open to all mankind! The United States have thus long submitted to the exaction from deference and respect for Denmark; but it cannot be expected, great as is our regard for that ancient and respectable power, that we shall submit to it much longer.

The 11th article of our existing treaty with Denmark provides "that the present convention shall be in force for ten years from the date hereof, (26th April, 1826;) and, further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same." Congress may, therefore, at any moment, authorize the President to terminate this convention—a convention, I venture to say, more favorable

in its terms to the commerce and navigation of Denmark than any which now exists, or has existed, between her and any other nation.

Perfect reciprocity in the direct trade between any two countries is always just. The vessels of both, carrying the productions of either between the ports of these countries, ought to be placed upon the same footing. Be the amount of this trade great or small, they ought equally to participate in its benefits. This rule, however, is based upon the presumption that the one party shall not, on its part, have restricted the mutual trade by establishing unreasonable and extravagant import duties upon the productions of the other. Whilst this rule is just in regard to the direct trade between any two countries, let us examine the question for a few moments in regard to the indirect or triangular trade between Denmark and the United States. Our convention with Denmark opens to her navigation not only the direct trade, but it enables her vessels to go all over the world, and bring the productions of every clime to this country upon the same terms with American vessels. But it may be said that similar advantages are secured by the same convention to vessels of the United States in the ports of Denmark. Whilst this cannot be denied, it is yet manifest that such a concession to our vessels is far, very far, from being a fair equivalent for the privileges which Danish vessels enjoy in our ports. The United States now extend across the whole continent of North America, and have a front of twenty-two degrees of latitude upon the Atlantic, and seventeen degrees upon the Pacific ocean. On both oceans we have numerous and excellent harbors inviting foreign trade. We now number at least twenty millions of industrious and prosperous people, able and willing to pay for foreign commodities, whilst our exports are immense. The vessels of Denmark enjoy the privilege, under the convention, of transporting from all other foreign countries to the United States every article required for the consumption of our population, and of exporting from the United States to all foreign countries our productions, upon the same terms with our own vessels.

Now, what is the supposed equivalent? Denmark is comparatively a small and poor country, in a high and severe northern latitude. Its population does not much exceed two millions. Its exports are not great, and its people consume comparatively but a small amount of foreign productions. American vessels may, it is true, under the convention, transport to and from Denmark the productions of third countries

upon the same terms with Danish vessels; and this is the compensation which we receive for all the superior advantages which we confer. It would perhaps not be extravagant to assert, although I have not made the calculation, that, under the present convention, we offer to Denmark ten times the quantity of productions for the employment of her navigation in the indirect or triangular carrying trade, which she can offer to the navigation of the United States. The truth is, that, so far as regards this trade, the reciprocity of the convention is but a mere name.

But to make the inequality still greater, the 6th article of the convention excepts from its provisions Iceland, the Ferroe Islands, Greenland, and her colonial possessions beyond the Cape of Good Hope.

It is not my purpose to enumerate the immense advantages, present and prospective, which Denmark enjoys, under this convention, in the encouragement of her commercial and military marine, and in the promotion of her national wealth and prosperity.

It is certain that we shall hereafter conclude no such unequal treaties with foreign powers like Denmark, without equivalents to the United States to compensate in some degree for the superior advantages which we may grant over those which we receive. The late treaty with Hanover (of which I transmit you a copy, with the accompanying correspondence sent to the Senate) was the commencement of a new era in our commercial policy. This will sufficiently explain itself without any observations on my part. Under its provisions, you will perceive that we have obtained equivalents for the advantages which we have conferred.

It will be admitted by all that the commercial marine of Denmark is much more capable than that of Hanover of availing itself of these advantages, and of becoming successful competitors with us in the indirect trade. Why, then, should not Denmark grant us also fair equivalents for these advantages? We desire to accept as an equivalent from Denmark the abrogation of the Sound and Belt dues, rather than assert our rights against her under the law of nations. Let Denmark perform this act of justice, and the President is willing that you shall conclude a new commercial treaty with the Danish government, upon the same terms with the present convention, to continue for a period of ten or twelve years, reserving the usual right to either of the parties to terminate it at the end of this period by giving a year's notice.

Instead of the 5th article of the present convention, some-

thing like the following might be inserted in the new treaty:

Article 5. Vessels of the United States, in passing and repassing the Sound and the Belts, shall be forever exempt from the payment of any duties, either upon their tonnage or their cargoes.

Light-money, and other reasonable charges now existing, if disconnected from charges or fees for levying and collecting the Sound and Belt dues may still be continued. Of these, you will be the best judge.

It would be desirable that the proposed fifth article should be expressly excepted from the operation of any notice which may be given by either party to terminate the new treaty, and be thus rendered perpetual. Upon this, however, you are not to insist as a *sine qua non*; because, if the Sound dues should be suspended for a period of ten or twelve years, it is highly improbable that they can ever afterwards be revived.

But the President is willing to proceed still further, if the object cannot otherwise be accomplished. It is probable that two years might elapse before the existing convention could be terminated, as an act must first pass Congress to enable the President to give the required notice, after which a year must expire before it could be rendered effectual. During the whole period our vessels would be subject to the Sound dues under the present convention. For this reason, if you should find it indispensable to success, but not otherwise, you may stipulate to pay the government of Denmark a sum not exceeding \$250,000; but, in that event, the abrogation of the Sound and Belt dues must be made perpetual, and must be excluded, in express terms, from any notice which may hereafter be given by either party to terminate the treaty.

From the enclosed tables, which I have just received from the Treasury Department, you will perceive how very considerable our direct trade is with Denmark in Europe; whilst in the year 1847, forty-four Danish vessels entered our ports, all of which, with three exceptions, arrived from other portions of the world, and were engaged in the triangular or indirect trade. It is also worthy of remark, that since the tariff of 1846, the Danish tonnage employed in this trade for 1847 has nearly doubled.

For highly important information on the subject of these dues, I refer you to Macgregor's Commercial Regulations, vol. 1, chapter 3, title Denmark; or the same author's Commercial Statistics, vol. 1, page 165.

If you could procure from the Danish government the abolition of its transit duties on American productions in the Duchies, and wherever else they may exist, this would be very desirable; and for this purpose you can use our treaty with Hanover to great advantage.

I would thank you to complete Mr. Irwin's tables up to the present time, and transmit copies to the department.

Should it become expedient to address a note to the Danish Minister for Foreign Affairs on the subject of the Sound dues, you may quote such portions of this despatch as you may, in your discretion, deem appropriate and useful. But this is left entirely to your own judgment.

You are now intrusted by the President with a most important negotiation. Should you prove successful, this will reflect high honor upon yourself, and promote the best interests of your country. May success attend you.

I am, sir, respectfully, your obedient servant,

JAMES BUCHANAN.

ROBERT P. FLENNIKEN, Esq., &c., &c.,
Copenhagen.

[In compliance with the instructions of Mr. Buchanan, Mr. Flenniken had several interviews with Count Maltke, who had succeeded Count Knath in the Foreign Office, and formally introduced to him the subject of a treaty in relation to the Sound and Belt dues. At these interviews, and in a written despatch, he communicated the substance of Mr. Buchanan's views, and his proposition for a pecuniary compromise. These negotiations were fruitless, and on the 13th of February, 1839, Mr. Flenniken wrote to the Secretary of State that until peace were established between Denmark and Germany he should be unable to resume the subject of the treaty relating to the Sound dues.]

Mr. Marcy to Mr. Bedinger.

[Extract.]

DEPARTMENT OF STATE,

Washington, July 18, 1853.

SIR: * * * * * *

The subject of the "Sound dues," collected at Cronberg Castle, from American vessels, has been repeatedly brought to the notice of the Danish government by your predecessors, under instructions from this department. The President intends that this subject, affecting so injuriously important interests of the United States, shall be pressed to a conclusion, and you are accordingly instructed to obtain an early inter-

view, after your official reception, with the Minister of Foreign Affairs of Denmark, to communicate to him in emphatic, but respectful terms, the intention thus entertained.

In 1848, the Minister of Foreign Affairs admitted to Mr. Flenniken, our then representative near the government of that kingdom, as reported by him to Mr. Buchanan, that "the principle upon which those dues are collected cannot be defended." This is assuredly the case. It is clear that no defence can be made in behalf of a "principle" so flagrantly at variance with the established right of each of the nations of the earth to the *liberum mare*.

It has been alleged by Denmark that our acquiescence, until recent years, in the Elsinour exactions, was a tacit sanction of their legitimacy, as "established by usage." It is true that, down even to the present moment, we have offered no positive resistance to the collection of the "dues;" but our forbearance heretofore in this respect does not justify the inference that we regarded them as rightfully imposed, and would forever acquiesce in the continuance of this burden upon our commerce.

Our mercantile marine measures at this time not less than 4,500,000 tons, and in our rapidly extending trade and intercourse with the world, it is a paramount object of this government, as it is its imperative duty, to remove every obstruction to free commerce by vessels sailing under our flag. We can recognize no "immemorial usage" as obligatory when it conflicts with natural privileges and international law. These ancient customs have, in many instances, been found to be inconsistent with rights now generally recognized in the more liberal and reasonable practice of commercial nations, and have been made to yield to views better suited to the improved system of foreign trade. A burdensome imposition upon that trade, which has for its support nothing but antiquity, and is so directly opposed to modern policy, will not, it is hoped, be longer insisted on by Denmark.

The date of the origin of the Sound tolls has never been, as far as is known to this government, authentically ascertained. They are presumed to be the relics of exactions by the Norman pirates of the dark ages. As civilization advanced, they were enforced under the plea of protecting the lucrative herring-fishery at Schonen. The coasts of the three straits (Shaggerack, Cattegat, and the Sound) were owned by Denmark until 1658, (with the exception of thirty-six years in the 14th century,) when, by the treaty of peace of Rothschild, the east coast of the Great Belt, including the fortifications of Helsinburg, was transferred to Sweden, and

is still owned by her. The right of sovereignty upon which Denmark presumed, in consequence of her ownership on either side of this connecting link of ocean water, necessarily ceased after this occurrence, even if it had been before in the slightest degree in conformity with national law. But, nevertheless, she persisted at Cronberg, the key to the Sound, in extorting large sums from every bottom that passed. Previous to the treaty with Sweden in the 14th century, the collection of the Sound tolls was resolutely and successfully resisted by the Hanseatic league. Then, as now, they came in direct conflict with the interests of all the cities upon the Baltic; and that powerful confederacy, at that time in the meridian of its greatness, obtained a free passage for its ships and cargoes through the Sound. In the year 1491, Denmark, perceiving that the Hanseatic league held her authority over the straits in utter contempt, deemed it judicious to invite other nations to engage in the trade of the Baltic, and a convention was entered into with England, and subsequently with Holland, by which their vessels were permitted to pass through the Sound by the payment of mere nominal tolls. In 1515 it appears that the latter country paid no tolls whatever, but stipulated to give a small sum instead thereof. This was, as intended, a blow at the Hanseatic cities; and in their name Lubeck demanded the immediate exclusion of the Dutch from the Baltic; a demand, however, that was not complied with. In 1544 a treaty of commerce was concluded between Christian III of Denmark and Charles V, (regent of the Netherlands,) by which the subjects of the high contracting parties were permitted to trade with each other, by paying the Sound dues which had been levied "since days of old." The Dutch at this period were a great navigating and commercial people, and the stipulations which they entered into imparted dignity to the jurisdiction claimed by the Danes over the Sound. The influence of the Hanse towns began to decline about the beginning of the 15th century, but they exercised a supremacy over the North and Baltic seas until the middle of the 15th. From their unceasing quarrels with Denmark, relative to the Sound tolls, recourse was had to negotiation; and, in 1560, "the King of Denmark and his subjects on the one part, and the right honorable Hanseatic cities and the merchants thereof on the other part," concluded the treaty of the Odensee. In 1563, Denmark was involved in a war with Sweden, and she made this circumstance a pretext to increase the Sound tolls against the Hanse towns, notwithstanding her covenant to the contrary three years before, which was still in force; but

the Hanse towns, in their declining power, were compelled to submit to this violation of her obligations. In 1570 a treaty was contracted between Denmark and Sweden at Stettin, by which it was agreed that the latter nation should be exempted from the Sound dues; but this was evaded from time to time by Denmark, in levying the toll upon the wines intended for Queen Christina's own private use, and by the prohibition of ammunition when Sweden was in absolute want of it for prosecuting the thirty years' war. At length Denmark became so intolerant as to search Swedish vessels, unnecessarily detain them, and, in some instances, convey them to Copenhagen. The Netherlands experienced but little better treatment. The Stadtholder complained, and he was put off with promises. In 1640, the year after the dissolution of the Hanseatic league, the United Netherlands, which had secured their independence, formed a compact with Sweden for the maintenance of their respective rights; and in 1645 a new treaty was concluded between Denmark and Sweden, and on the same day, August 13, one between Denmark and the Netherlands. In the negotiations which concluded them, the Dutch and Swedish plenipotentiaries demanded free navigation through the Sound for all nations. The Danish plenipotentiaries contended that the Sound was a "Danish canal," and that the tolls collected were of a similar character to those exacted at the mouths of certain rivers in Germany and Holland. France, acting as a mediator, held the question under consideration to be decided at a more convenient period; and subsequently she sustained the interests of Denmark, for which she was rewarded by the bestowal of the same advantages to her flag as had been bestowed upon the Netherlands, and without any limit as to duration. In 1654, Great Britain concluded a treaty with Denmark, which was renewed in 1670, by which all the advantages were to be enjoyed by her which had been conferred upon the Netherlands. Previous to 1720, (from 1647,) Denmark fixed the toll, in her treaties with other countries, "in conformity to the terms granted to the Netherlands;" but after that time she placed them upon the footing of "the most favored nations." Sweden, in consideration of the restoration of her provinces, which had been conquered by Denmark, stipulated to pay in future, by the treaty of Fredericksburg of June 3, 1720, the same rate of Sound dues that were collected upon the ships and cargoes of the most favored nations, reserving to herself the right to establish a commissary at Elsinore, to prevent impositions upon her navigation and commerce. These conditions and obligations (although

several treaties have been made between the two nations since) continue to be observed. During the 18th century, Sweden having been quieted, the Sound tolls seem to have been submitted to by other Powers and States without opposition. Denmark concluded several new treaties, but none of them contained provisions prohibitory of the exaction of the dues demanded at Elsinore.

This was the condition in which Denmark was found when the Congress of Vienna assembled. It was quite naturally expected, at that time, that the Danish Sound tolls would present a legitimate subject for the deliberations of that body, and that, in the settlement of the affairs of Europe, they would be entirely abrogated. But Frederick VI of Denmark was present at Vienna, and the object of compassion with the representatives of the sovereigns most interested, on account of the bombardment of Copenhagen and the destruction of his fleet a few years before; and out of tenderness to him, as it is reasonable to suppose, this question was permitted to remain in *statu quo*. Vague intimations, it is stated, have occasionally been given at Copenhagen, that the Sound tolls were guarantied to Denmark by the Congress of Vienna, as an indemnity for the surrender of Norway to Sweden. Admitting the truth of this, and that every European government was irrevocably bound by such proceeding, the United States were not a party to it in any way, and no obligation is imposed upon them to respect the arrangement. Nothing has been more remote from the purpose of our government, from the day on which it was ushered into existence, than that of surrendering to any power its right of using the ocean as the highway of commerce. This right it claims, and will use all proper means to secure to itself the full enjoyment of in every quarter of the globe.

The fact is notorious that the Sound dues affect us more sensibly than any European nation. Under their operation, Great Britain has a decided advantage over us, as concerns our chief staple. Raw cotton, according to the most reliable statements before the department, is charged with about three per cent. *ad valorem* in its transit through the Sound: while cotton twist, of which Great Britain ships from 30,000,000 to 50,000,000 pounds to ports of the Baltic, pays only *one per cent. ad valorem!* If we quietly submit to such a tax upon the raw material of our fields, Great Britain, as a matter of profit, can well afford to consent to the comparatively moderate one upon the article manufactured from it, because she cannot fail to perceive that, were the dues abolished, we should as certainly gain markets for the raw pro-

duct, as she would lose them for the manufacture of her spineries.

For the five years terminating the 31st December, 1848, 264 American vessels entered the Baltic, upon the tonnage and cargoes of which the Sound tolls amounted to 570,473 Danish bank rix dollars. Since then no tabular statements have been received of our vessels passing Elsinore, nor the sums annually paid.

The Sound toll levied upon our chief products, which find a market in the countries bordering upon the Baltic and beyond them, according to the most reliable information on the subject, is as follows:

Raw cotton, per 100 lbs.....	20	cents.
Rice, per 100 lbs.....	11	"
Paddy, (rice in husk,) per 100 lbs.....	3½	"
Raw tobacco, per 100 lbs.....	17½	"
Whale oil, per bbl.....	6¼	"

Consequently a cargo of 2,000 bales of cotton pays a tax of about \$1,720; a cargo of 800 hhds. of tobacco, \$1,400; a cargo of 1,000 tierces of rice, \$700. In addition to the toll on tonnage, the cost of pilotage, for a ship drawing eighteen feet water, from Dragon to Elsinore, varies, according to the season of the year, from \$20 to \$30.

In 1829, an ordinance was issued by the King of Denmark subjecting all vessels passing through the Sound to useless, not to say ridiculous, observances, always very annoying, and sometimes injurious, by the delays resulting from the necessity of conforming to them. Should you find this ordinance still in force, you will represent the effects of it upon our vessels passing the Sound, and endeavor to procure their exemption from it. It cannot be that, at this day, a government so enlightened as that of Denmark will insist upon the observance of ceremonies of this kind—useless to it, and hardly compatible with the self-respect of those required to perform them. That you may know to what ceremonies I allude, I herewith send you a copy of the ordinance prescribing the observance.

You are at liberty to communicate any facts or statements contained in this despatch to the Danish Minister of Foreign Affairs.

I am, sir, respectfully, your obedient servant.

W. L. MARCY.

HENRY BEDINGER, Esq., &c., &c.

Copenhagen.

Mr. Bedinger to Mr. Marcy.

[Extract.]

COPENHAGEN, *October 13, 1853.*

SIR: * * * * * * *

Of course I have not yet broached the subject of the "Sound dues," but I shall seek an early opportunity to do so; and I respectfully desire to be instructed whether I may be allowed to offer anything, either in the form of some additional commercial privilege, or other matter as an equivalent for those dues, in case the Danish government shall consent to abandon them, so far as our vessels are concerned. If I remember correctly, in a despatch of Mr. Buchanan's to one of my predecessors, something of that sort is authorized to be done; and I respectfully request that I may be particularly instructed upon this point at as early a day as possible.

* * * * * * *

I have the honor, &c., &c.,

HENRY BEDINGER.

Hon. W. L. MARCY,

Secretary of State.

—
Mr. Marcy to Mr. Bedinger.

[No. 3.]

DEPARTMENT OF STATE,

Washington, November 8, 1853.

SIR: Your despatch of the 13th ultimo was received at the Department on the 5th instant, and I am directed by the President to inform you, in reply to your question respecting an equivalent to Denmark for the abolition of the "Sound dues," that he declines authorizing you to offer to that power any compensation for the removal of that as a favor which we have demanded as a right.

I am, sir, respectfully, your obedient servant,

W. L. MARCY.

HENRY BEDINGER, Esq., &c., &c.,

Copenhagen.

—
Mr. Bedinger to Mr. Marcy.

[Extract.]

[No. 2.]

LEGATION OF THE UNITED STATES,

COPENHAGEN, *December 3, 1853.*

SIR: * * * * * * *

The Minister of Foreign Affairs has been suffering with an attack of the gout for several weeks past, and, in consequence, I was not able to procure an interview with him

upon the subject of the "dues" until the 1st instant. On that day I spoke to him on the subject. I stated, briefly, the principal objections to the continuance of that burthen upon our commerce, and respectfully informed him, that it was absolutely necessary that the matter should, at once, be pressed to a conclusion, &c., &c.

He replied, at some length, that it was a matter of very great importance; that the right to levy the "dues" had been exercised by Denmark since "time immemorial;" that all other nations had tacitly assented to her right to levy them; that our trade in the Baltic was much less than that of other nations, and, consequently, we had the less cause of complaint; that Denmark could not exempt one nation from the payment of the tolls without exempting all others, which would cause a ruinous reduction in the revenue of the State, &c.

I combatted, to the best of my ability, the positions which he had taken, and which I had fully anticipated; and he then said, if I would address him in writing upon the subject, he would lay the matter before His Majesty's government in council, and inform me of the determination to which they should come in regard to it. But I understood him to say, distinctly, that *in his own opinion* Denmark would never *voluntarily* consent to remit the tolls. The next day I addressed a note to him, in which I quoted the principal objections to the imposition of the "dues"—as set forth in my instructions, and asked that the subject might be brought to the notice of the Danish government, with a request on the part of the United States to have the tolls remitted in future.

Mr. Bedinger to Mr. Marcy.

[Extract.]

LEGATION OF THE UNITED STATES,
COPENHAGEN, *February 26, 1854.*

SIR: I have the honor to inform you that I have received your communication of the 2d instant, informing me that my despatches, Nos. 2 and 3, had been received, and enclosing the resolution of the House of Representatives of the 30th of December, 1853, upon the subject of the "Sound dues."

A few days before I received this communication, I had called again upon the Minister of Foreign Affairs, to inquire whether he had received the note I had addressed him upon the subject, and when I might hope to receive his reply. He apologized for having been compelled so long to delay his

answer, and begged me to attribute it, not to any disposition upon his part to retard the action upon the application of the United States, but simply to the fact of the great increase of business in his department in consequence of the pending crisis in European politics, and to the condition of his own health, which had been but feeble. He stated, however, that he was then preparing a statement in reply to my note, which would embrace the whole subject of the "Sound dues," together with certain facts, statistics, &c., which he deemed important, and certain propositions, also, which it was designed to make to our government upon the subject; that I should receive this statement as soon as he could possibly complete it; and that a copy of the same would likewise be transmitted to our government through the Danish chargé d'affaires in the United States.

I do not know whether I ought to express any further opinion upon this subject, until after I shall have received the statement referred to. But I cannot help thinking that there is no intention upon the part of this government to abandon that unjustifiable source of revenue, until induced to do so by measures more to be regarded than mere diplomatic conversations and verbal objections; for, if I am correctly informed, Denmark is at present upheld by Russia in the imposition of those burdens upon the commerce of other nations. From such information as I have been able to gather upon the subject, it appears that Russia, while she does not attempt actually to *compel* submission to those exactions, sanctions them nevertheless, by requiring her ports to *refuse to receive the cargo of any vessel which has not paid them*, thus lending very effectual assistance to the impositions of Denmark. Mr. Raynal, our consul at Elsinore, tells me that he has prepared a very full statement of the amount of these tolls paid to Denmark within the last two or three years; the amount paid by different nations, the burdens imposed upon the several most important articles of commerce, &c., with a copy of which he will furnish me in a short time, and will also forward a copy to your department.

Mr. Bedinger to Mr. Marcy.

LEGATION OF THE UNITED STATES,
COPENHAGEN, *April 1, 1854.*

SIR: I have the honor to inform you that, since the date of my last despatch, I have had another interview with his excellency the Minister of Foreign Affairs upon the subject

of the "Sound dues." It was not much more satisfactory, however, than the others; but I deem it proper to state, that upon this occasion his excellency, after having again apologized for not having replied to my note, said that he had written to the Danish chargé d'affaires to the United States, instructing him respectfully to urge our government to defer pressing this question until the political horizon in Europe shall assume a more tranquil aspect.

He assured me that, so soon as it could possibly be done, it was the intention of the Danish government to enter into certain arrangements with the other nations interested in the subject, by which the right of collecting the "tolls" would be abandoned by Denmark, upon receiving from the other powers *a certain compensation*, which he did not distinctly explain, in lieu thereof. He said he hoped I would perceive how utterly impossible it would be to effect any thing of that sort during the present state of public affairs; but he reiterated the assurance that negotiations upon the subject should be commenced at the very earliest period that would afford hopes of their successful termination, &c.

I thought it proper to inform him, lest he should argue from my silence that the United States would consent to the "compensation" of which he had spoken, that it would not be proper to reckon upon any thing of the sort.

He replied, that he had strong reasons for believing that we would assent to the arrangement which he hoped to be able to make; that, in the mean time, he would complete his reply to my note, and transmit the same to Washington.

The difficulties which have recently arisen between the Danish Diet and the ministry, growing out of certain efforts on the part of the latter to frame a constitution suitable to the whole monarchy, have given rise to some excitement, and tended considerably to retard the execution of public business.

The Diet, however, has now adjourned; the present ministry is to be retained, I believe; and affairs will probably assume again their wonted tranquillity.

AFFAIRS IN CENTRAL AMERICA.

[The difficulties between the Nicaragua Transit Company and the Settlement at the mouth of the San Juan, and the occurrences referred to in the President's Message, (page 10) are fully set forth in the following documents, communicated to the Senate in compliance with a call for information in regard to the transactions between Captain Hollins, of the U. S. Ship Cyane and the authorities at San Juan de Nicaragua. 33d Con. 1st Sess. Senate Doc. Ex. No. 8.]

POLITICAL ORGANIZATION OF GREYTOWN.

City Council of Greytown to the Secretary of State of the United States.

COUNCIL CHAMBER,

Greytown, or San Juan del Norte, Feb. 19, 1853.

The legislative council of the city of Greytown, or San Juan del Norte, respectfully beg leave to represent to you, and through you to the President of the United States, the following statement in relation to the condition of affairs as they now exist in this city.

In March last, the Mosquito authorities, then governing at this place, called on the people by a proclamation, issued by James Green, Esq., her Britannic Majesty's acting agent and consul general to Mosquito, to form a constitution, elect officers, and enact such laws as they might deem necessary for the future welfare of the city and its inhabitants.

In accordance with this proclamation, the people met in convention on the 29th day of March, 1852, and appointed a committee to draft a constitution; the result was the present constitution, which was adopted unanimously at a general meeting of the citizens, held in the said city of Greytown, or San Juan del Norte, on the 5th day of April, A. D. 1852.

A copy of the constitution, together with a copy of the proclamation of James Green, Esq., her Britannic Majesty's agent, &c., was transmitted to the office of the Secretary of State of the United States by Commander Green, of the United States vessel-of-war Decatur, then lying in this harbor.

In compliance with the constitution, an election was held on the 15th day of April last, and resulted in the choice of a mayor, five members for a legislative council, three supreme judges, and subordinate officers.

The new government came into power on the first day of May, A. D. 1852, and on that day the Mosquito authorities surrendered their power and authority to the officers elected under the new constitution, and retired from office.

Since that period, the government thus chosen by the people has been in power, have enacted such laws as they deemed necessary for the welfare of the city, and exercised all the rights and privileges usually exercised by a free and independent State, and have thus far been successful in preserving order and affording protection to person and property.

They beg leave to further state, that they consider this government fully able to maintain its present position; all that is necessary being the approval of the respective governments of the United States and Great Britain.

Every facility and encouragement in the power of this government is offered to the commerce of all nations; Greytown, or San Juan del Norte, being declared a free port forever, subject only to light harbor dues and pilotage.

The present inhabitants, residing here, found this place a small collection of huts; by enterprize and industry they have transformed it into a flourishing city.

The authorities have been formally acknowledged by the government of Great Britain; and the letter of Vice-Admiral Sir George Seymour (a copy of which is herewith transmitted) will show that his government deems it no longer necessary to maintain ships of war on this station, thereby virtually confirming in the hands of, and acknowledging the ability of this government to maintain its laws, and all the powers heretofore possessed by the Mosquito authorities in full sovereignty.

The people of this city look with confidence for a similar recognition on the part of the United States, and would view with deep concern any treaty, in relation to the territory which they now occupy, to which they are not made a party, or their interests fully considered.

A copy of the answer of the council to the letter from Admiral Seymour is also herewith transmitted.

Respectfully submitted.

By order of the council:

SAMUEL S. WOOD,
President of the Council.
ROBERT D. LEES,
Secretary of the Council.

[Letters No. 1 and No. 2 enclosed in the above.]

No. 1.

Vice Admiral and Commander in Chief, Sir G. H. Seymour, to J. Green, Esq., her Majesty's consul general at Greytown.

CUMBERLAND AT JAMAICA,

January 12, 1853.

SIR: I beg to acquaint you that I have received no information of the proposed arrangement for the future position of Greytown being likely to be concluded, and being much impressed with the losses the ships under my command have suffered from their detention at Greytown, I request you will give the mayor and council to understand that I do not consider the chance of an attack from the Nicaraguans on the town (which if their government is well advised will not occur) furnishes a sufficient reason for now keeping British ships of war at Greytown to the prejudice of the health of their officers and crews, when a municipality has been formed and acknowledged which is able to protect the place and property of the inhabitants.

It is the more advisable that they themselves should be prepared to resist any sudden attack, as it would be the duty of the naval officer commanding in the West Indies to send a force to dispossess any persons who might obtain possession of the place, before a definitive arrangement has been made for its future position, and any contests for the possession of the town would be injurious to its welfare and the property of the inhabitants.

I am, sir, your obedient servant,

G. H. SEYMOUR.

No. 2.

COUNCIL CHAMBER,

Greytown, or San Juan del Norte, February 16, 1853.

At a meeting of the legislative council of the city of Greytown, or San Juan del Norte, held at the council chamber, on Monday, February 14, 1853, your letter to James Green, Esq., her Majesty's consul general, dated Cumberland at Jamaica, 12th January, 1853, was read to the council by Henry Grant Foote, Esq., her Majesty's vice consul for this port.

This council takes pleasure in acknowledging and appreciating the interest manifested in your letter towards the citizens and government of this city, and in reply to your remark, that "a municipality has been formed and acknowledged which is able to protect the place and property of the inhabitants," would state that, notwithstanding the anomalous position in which this government is placed, it has been enabled thus far to maintain the supremacy of its laws, and afford ample protection to person and property, nor has it any doubt of being able successfully to resist any attack from the quarters mentioned in your letter, and more especially as this government is acknowledged and protected by the governments of Great Britain and that of the United States.

This council regrets to add that some embarrassments have lately arisen in relation to the jurisdiction of the territory, especially in regard to the Nicaragua Accessory Transit Company, which now occupies a portion of land on the north side of the harbor known as Punta Arenas, to the serious detriment of the city, and which said company has refused on several occasions to obey and acknowledge the jurisdiction of the laws of the city over it.

The authorities of this city, anxious to maintain friendly relations with all parties, have submitted to this illegal occupancy of lands on the part of the company, under the impression that the question was on the point of being settled definitely by the respective governments of England and the United States; but, after a period of nearly a year, the matter appears to be as far from a final arrangement as ever. They have therefore taken steps to effectually maintain their rights, and cause their laws to be acknowledged and respected by all parties within their jurisdiction, and trust that, proceeding strictly in accordance with law, to merit and receive the approbation of the protecting governments.

The council sought an interview, private and unofficial, with the commander of her Majesty's vessel of war, now in port, at which interview it took occasion to state fully its present position.

Respectfully submitted.

By order of the council.

ARRIVAL OF THE CYANE AT GREYTOWN AND SUBSEQUENT OCCURRENCES THERE.

Commander Hollins to the Secretary of the Navy.

UNITED STATES SHIP "CYANE,"

Harbor of San Juan de Nicaragua, March 18, 1853.

SIR: I have the honor to report my arrival at this port from Pensacola, on the 10th ultimo, after a passage of fourteen days.

Upon coming to anchor, a boat was despatched to Henry L. Stevenson, Esq., the commercial agent of the United States at San Juan, with "orders" to place the same at his disposal. No attention was paid to the offer, and I have not had the pleasure, thus far, of a visit from him.

At the same time I was served with a "copy of a protest," before the commercial agent of the United States, from Thomas Baldwin, Esq., as agent of the Accessory Transit Company, of Nicaragua, against the proceedings of the "council" of San Juan de Nicaragua, as set forth in the accompanying document, marked A, accompanied with a demand through his attorney, F. A. Nenninger, Esq., (Mr. Baldwin being absent,) for protection of the persons and property of the Accessory Transit Company of Nicaragua, located upon Punta Arenas, opposite the town of San Juan de Nicaragua, as set forth in the accompanying document, marked B. And also a "request" and "protest" of H. W. Wagner, as attorney for G. W. McCerren, Esq., before the commercial agent of the United States, addressed to the "council" of San Juan de Nicaragua, for a "stay of proceedings" upon their part in reference to a "resolution" passed by the council, on February 8, 1853, said McCerren having an interest in a portion of the property located on Punta Arenas, included in said "resolution," as found on the third page of the accompanying document, marked C.*

No attention was paid to the "request" and "protest" of McCerren, and the property was destroyed by tearing down the buildings, as set forth in the accompanying document, from Thomas Baldwin, Esq., agent of the Accessory Transit Company, marked D. The "copy of correspondence," referred to in document D, will be found attached, marked E.†

* The nature and contents of these documents are so sufficiently set forth in the text, as to render their reproduction superfluous. The resolution, or ordinance referred to is printed on a subsequent page.

† The correspondence mentioned includes the replies of the United States Commercial Agency and of the British Consulate to the appeal of Mr. Baldwin for protection. These are given entire. The rest of the correspondence shows the unavailing efforts of Mr. Baldwin to procure delay from the authorities of Greytown in the execution of their ordinance, and is not otherwise important.

I was also informed that the writ of ejectment against the persons of the Accessory Transit Company would be enforced on the morrow at eleven o'clock, A. M., and that the balance of the property would be destroyed in accordance with a "city ordinance," passed at a meeting of the "council," on the evening of February 7, 1853, a copy of which will be found on the 2d and 3d pages of the accompanying, marked E.

Agreeable to my "orders" I promised the required protection, and despatched Mr. Theodore P. Green, the first lieutenant of this ship, to the Mayor of San Juan de Nicaragua with "orders" to state that information had been lodged with me, that on the succeeding day (March 11) a writ of ejectment would be served upon the Accessory Transit Company, and in case of their refusal to remove the property, force would be used to compel them.

He found the council assembled, the mayor presiding, made the statement, and requested their answer. He was desired to inform me the process was a legal one, and that they should carry the same into effect on the succeeding day at 11 o'clock, A. M., unless prevented by a stronger force.

On the morning of the eleventh, at nine o'clock, I proceeded ashore to pay my respects to the mayor, and was received in the "council chamber," the "council" being assembled, when the mayor stated I had, on the previous afternoon, sent Mr. Green, the first lieutenant of the ship under my command, with a statement as recorded in the foregoing: I replied, I had so done, and that in accordance with my "orders" I should be compelled to put a stop to any depredations upon the property of the Accessory Transit Company. The mayor replied "no depredations would be committed, they only intended to pull the buildings down." He then requested a statement in writing of my intentions to prevent the execution of the "process" which I acceded to, and withdrew to the ship.

The accompanying letter dated harbor of San Juan del Norte, or Greytown, United States ship "Crane," March 11, 1853, was despatched at once, the reply it received is also attached. [1 and 2.]

Purser Charles C. Upham and acting Lieutenant William H. Parker, of this ship, shortly afterwards returned from a visit to the town, bringing information that the troops were under arms and preparations making to proceed against Point Arenas and its occupants appertaining to the Ac-

cessory Transit Company, and that threats were being made of destruction of the property by fire.

"Orders" were then given to land a marine guard on Point Arenas, under the command of Lieutenant William Decatur Hurst, with instructions to inform the "marshal" that the property could not be molested, and to warn off all suspected persons, to prevent the execution of any threats as stated above. The "marshal" landed, and upon being asked his business by Lieutenant Hurst, he replied "to tear down the buildings." Lieutenant Hurst then informed the "marshal" of his "orders" to protect the property of the Accessory Transit Company of Nicaragua, and that he intended to obey and carry out the same; upon the receipt of this information the "marshal" mustered his "posse of carpenters," and left for San Juan de Nicaragua.

On the 13th ult., I had the honor of a visit from her Britannic Majesty's Vice Consul, Henry Grant Foot, Esq., who had just returned from a visit to Bluefields, having been absent some days: he brought with him "despatches" from Vice Admiral Seymour, and Commodore McQuhae of her Britannic Majesty's naval forces in the West Indies, directed to F. A. Parker, commander-in-chief of the naval forces of the United States in the West Indies, with directions to place them in the hands of the senior officer in command, should Commodore Parker be absent. Copies are herewith enclosed, marked F. He also informed me that the previously existing government of San Juan de Nicaragua had become dissolved by their own act, in consequence of their inability to carry out their intended course with the occupants and property of Point Arenas.

From the many threats and manifest excitement among the citizens of San Juan de Nicaragua, I deem it necessary to continue the guard upon Point Arenas, about the property of the Accessory Transit Company, particularly at night, and shall continue so to do until the necessity appears no longer to exist. I have also thought proper to warn the citizens of San Juan de Nicaragua of my intentions as to the persons and property of citizens of the United States who might be molested, as in the accompanying complaint from one already assaulted, marked G. Accordingly I dispatched Lieut. Hurst to the town with the accompanying communication, addressed to the citizens of San Juan de Nicaragua, marked H, with "orders to advise with her Britannic Majesty's vice consul as to its effect;" the accompanying letter marked I, is his reply, and in accordance it

was so modified as to include all, as set forth in the accompanying document, marked J.

Owing to the unsettled condition of affairs at this port, I do not deem it prudent to absent myself from the ship to communicate with Mr. Kerr, the chargé of the United States to Nicaragua, and have therefore ordered Dr. George Peck, the assistant surgeon of this ship, to represent me on this occasion. The officers and crew thus far continue in good health, but I am informed by the surgeon of the ship, (Dr. W. A. Spotswood,) from the prevalence of fever around us, we cannot expect to remain so for any length of time. I deem it necessary, however, to remain here until further "orders" from your honored self.

Copies of this correspondence have been sent to Commodore Newton, at Pensacola.

In closing my communication, permit me to refer to the correct deportment of all under my command; the officers having been in consultation of the greatest service, and the crew under such perfect discipline, and so well exercised with "small arms," through the efficiency of Mr. Green, the 1st lieutenant, as to render themselves uniformly obedient and quick in their movements. Hoping my conduct may have been such as to meet your unqualified approval, I anxiously await your pleasure.

I have the honor to be, with the greatest respect, sir, your most obedient servant,

GEO. N. HOLLINS,
Com'g U. S. Ship Cyane.

ORDINANCE OF THE CITY COUNCIL.

[Referred to as "E," in Captain Hollins' despatch.]

"FEBRUARY 8, 1853.

"Resolved, That the Mayor be directed to notify the Accessory Transit Company to remove within five days the buildings lately erected by the said company on the city lands, and also within thirty days to remove their entire establishment, as said lands are required for the use of the city; and in case of the said company not complying within the specified time, that summary measures be taken for their ejection.

"R. D. LEES, *Sec. C. C.*"

[Against the execution of this ordinance of the City Council, Thomas Baldwin as agent of the American Transit Company, filed a written protest at the Commercial Agency of the United States at San Juan, setting forth that the Accessory Transit Company of Nicaragua hold the lands now

occupied by them, by virtue of a charter or title from the State of Nicaragua, and are guaranteed in the possession and occupation of said lands by a treaty between the governments of the United States and Great Britain, and that the government of San Juan de Nicaragua have no control over the same, and have no power beyond municipal authority.]

[Letter and Reply referred to in the despatch of Commander Hollins.]

No. 1.

UNITED STATES SHIP CYANE,
Harbor of San Juan del Norte, or Greytown,
March 11, 1853.

SIR: After the interview I had with your honor this morning, before your honorable council assembled, I have to state, most respectfully, that I cannot permit any depredations on the property of the Accessory Transit Company, whose depot is located upon Punta Arenas, at the entrance of this harbor.

I am, very respectfully, your obedient servant,
 GEO. N. HOLLINS,
Commander United States ship Cyane.

To his honor the MAYOR,
Of San Juan del Norte, or Greytown, Nicaragua.

No. 2.

SAN JUAN DEL NORTE, OR GREYTOWN,
March 11, 1853.

SIR: I have the honor to acknowledge the receipt of your communication of this date, and in reply have to state that no "*depredations*," have been or will be made upon the "property of the Accessory Transit Company, whose depot is located upon Point Arenas, at the entrance of this harbor:" and that I shall proceed to eject the said company according to law, unless illegally prevented by a superior force.

I have the honor to be, your obedient servant,
 T. J. MARTIN, *Mayor.*

To GEO. N. HOLLINS, Esq.,
Commander United States ship Cyane.

EXECUTION OF THE ORDINANCE AT PUNTA ARENAS.

D.

SAN JUAN, *March 14, 1853.*

SIR: Having reference to the copy of the correspondence lately carried on between the authorities of Greytown, the

United States Vice Commercial Agent, her Britannic Majesty's Vice Consul, and myself, with which I have furnished you, I now beg leave to wait upon you with the following statement of the manner in which the writ of ejectment was carried into effect upon the property of the Accessory Transit Company of Nicaragua, as well as how the property of Captain George W. McCerren (an American citizen) was destroyed without having been included in the writ of ejectment, or being in any way connected with the property of the Accessory Transit Company.

On Monday, the twenty-first day of February, at about half-past eleven o'clock, A. M., a party of armed men, accompanied by the marshal of Greytown, and jointly under the commands of one certain Benjamin Moony, a member of the city council of Greytown, and that of one James Lyons, a colored man of said town, who is styled "Major Lyons," landed upon Punta Arenas, and proceeded, without furthermore ado, or explanations of any kind, to demolish some buildings belonging to the Accessory Transit Company of Nicaragua, said buildings being used for boarding and lodging the employees of said company, thus depriving said employees of their comfortable, and, in this climate, most necessary quarters, subjecting them to the disagreeable necessity of quartering themselves, in a crowded and unhealthy manner, on board of one of the smallest river steamers belonging to the company. Those men next proceeded to a newly erected brick oven, the property of Captain George W. McCerren, who had never even been served with a notice that a writ of ejectment would be issued against his property; these buildings were destroyed amidst the cheers and yells of this armed body, horrible to listen to.

I omitted mentioning to you previously, that, according to instructions received by me from the President and Directors of the Accessory Transit Company, at New York, advising me that I could call upon any British vessel of war for protection in case of necessity, I felt it incumbent upon myself, in the absence of such vessel, to call upon Mr. Foote, her Britannic Majesty's *Vice Consul*, requesting his aid and protection; this gentleman replied that it was *out of his power* to grant me any, as *his instructions* from the British government only referred to protecting the interests of the Atlantic Pacific Canal Company, and not those of the Accessory Transit Company of Nicaragua; he remarked, however, that he expected a British steamer of war to arrive, and, upon her arrival, requested me to call upon him, and he would then lay the matter before the captain and see what could be done

in the premises. Upon the arrival of her Britannic Majesty's steamer *Gazer*, I immediately proceeded to Greytown, and whilst awaiting the proposed interview I was arrested, and whilst under arrest Captain Wilson, of her Britannic Majesty's steamer *Gazer*, called upon me and informed me that he could render me no assistance. Some days afterwards, Mr. Foote and Captain Wilson called upon me, and, in the course of conversation, produced some documents purporting to be a copy of the instructions of the late Honorable Daniel Webster, Secretary of State of the United States, to Commodore Parker, of the United States Navy, with regard to the affairs of the city of Greytown; upon my making a request to allow Mr. Nenninger, Secretary of the Accessory Transit Company, at this place, to read the same, Mr. Foote replied that he would read them himself, and proceeded to do so, the purport of which did not directly apply or allude to the Accessory Transit Company; whether or not Mr. Foote read everything contained in the documents he was reading, I am unable to say.

In conclusion allow me, sir, in behalf of the Accessory Transit Company, as well as in behalf of the employees of the company, to render you their most sincere and grateful thanks for the very prompt and *efficient manner* you have acted in protecting their interests, and it shall afford me great pleasure to acquaint the government of the United States with the fact.

With the highest consideration, I am, sir, your most obedient servant,

THOMAS BALDWIN,

Agent Accessory Transit Co., Nicaragua.

Captain HOLLINS,

U. S. Sloop of War Cyane, San Juan del Norte.

REPLIES TO MR. BALDWIN'S APPEAL FOR PROTECTION.

E.

COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,

Port of San Juan de Nicaragua, February 13, 1853.

DEAR SIR: Your note of 12th instant, in reply to mine of the 11th, informing me that in compliance with my recommendation you had made a formal application to the city council of San Juan del Norte, or Greytown, for a stay of proceedings, has been received.

You request to know what course I intend to pursue in the matter, "as it may become necessary to repel force by force, and how far such a course will be justified by the Government of the United States of America."

In reply I have to say, that I will be governed by such circumstances as may arise in the course of the controversy—that as Vice Commercial Agent of the United States of America, my power and duties are of an advisory character, and that I shall seek to avert a collision between the local authorities and the Accessory Transit Company.

I have moreover to inform you that, inasmuch as the government of the United States of America have recognized the “local government” of this port, as the legal government thereof, either *ad interim* or otherwise, both through the commanders of their vessels of war, which have visited the port, and by accrediting a “commercial agent” to the posts, that the question at issue between the local authorities and Accessory Transit Company of Nicaragua, is in my opinion “at present” a local question, and that the government of the United States of America will not justify you in a forcible resistance (involving the sacrifice of life) to these authorities.

But if the city council of San Juan del Norte, or Greytown, exceed their authority, and violate the rights of the “Accessory Transit Company of Nicaragua,” either under cover of their laws or otherwise, that they are amenable to you for all damages or injury which you may sustain at their hands.

I have also to assure you that the government which I represent shall be promptly and fully advised of all the proceedings in this matter, in order to enable them to pursue such a course as to them may seem right and just.

I had an interview with two members of the “city council” last evening, and I expected that your application for a stay of proceedings would have been granted.

Respectfully yours, HENRY L. STEVENSON,
U. S. Vice Commercial Agent.

THOMAS BALDWIN, Esq., *Agent, &c.*

BRITISH CONSULATE,
Greytown, February 9, 1853.

SIR: I have to acknowledge the receipt of your letter of this day's date, enclosing the copy of a protest entered by you at the office of the United States Commercial Agency, against the carrying into effect of an ordinance passed by the city council of Greytown, or San Juan del Norte.

You also request my friendly offices in assisting you to protect the interests of the company you represent.

Situated as we are at present, I can but advise you to ap-

peal to the supreme court of the municipality, so that judgment might be delayed, and that an opportunity might be given you to explain to the de facto authorities the nature of the title, or by what authority you occupy the position in dispute. I remain, sir, with the highest consideration, yours, very respectfully,

HENRY GRANT FOOT,

British Vice Consul.

THOMAS BALDWIN, Esq., *Agent, &c.*

Vice Admiral Seymour to Commodore Parker.

F.

HER BRITANNIC MAJESTY'S SHIP CUMBERLAND,

At Bermuda, May 6, 1852.

SIR: I have the honor to inform you that I have received the directions of her Majesty's government to place myself either personally, or through some judicious officer of the squadron under my orders, in communication with the commander-in-chief of the United States naval forces off Greytown, and to concert and conclude with him such arrangement as shall appear to both, conjointly, best suited to carry out the views of the two governments for the recognition of the *de facto* governing authorities of the port, until some permanent arrangement shall have been concluded for the general and final settlement of the Mosquito and Central American question now pending between Great Britain, the United States, and certain of the Central American States.

I beg, in consequence, to acquaint you, that, as circumstances prevent my proceeding at present to the West Indies, I have delegated the execution of the above order to Commodore McQuhae, commanding the Jamaica division of the naval forces under my orders, in whose judgment and temper I have the utmost confidence.

The Commodore has my directions to lose no time in placing himself in communication with yourself, and I have every confidence that you will, conjointly, cause such regulations to be firmly maintained as will answer the objects of our governments, and prevent any interruption to the order and peace of the city and port, pending the settlement of the question in course of negotiation.

I have the honor to be, sir, with high respect and consideration, your most obedient servant, G. F. SEYMOUR,
Vice Admiral and Commander-in-chief of her B. Majesty's Naval Forces on the N. American and West India Station.
Commodore F. A. PARKER, *Commander-in-chief*

of the U. S. naval forces in the W. Indies.

Commander McQuhae to Commodore Parker.

HER BRITANNIC MAJESTY'S STEAM TENDER ALBAN,
At Greytown, June 9, 1852.

SIR: Having been instructed by Vice Admiral Sir Geo. F. Seymour, K. C. B., commander-in-chief, to repair to this place and to enter into communication with you for the purpose of conjointly agreeing upon such arrangement as may seem to us to be requisite in consequence of the provisional recognition, by the United States Government, of the authorities now *de facto* existing at Greytown, I conceive that the duty that has been delegated to us may be easily disposed of; there appearing to me, after a careful examination of the revised constitution and port regulations, and of the municipal laws established by the city council elected under the same, little upon which a difference of opinion can exist, particularly as we are only called upon to recommend such alterations and modifications of these laws and regulations as may appear to us, conjointly, to act partially or unreasonably.

I greatly regret that I have not had the honor of meeting you here, as I believe the service entrusted to us would have been executed with perfect cordiality and speedily brought to a conclusion.

Referring to the several points of the instructions addressed to you by the United States Secretary of State, Mr. Webster:

1st. I am of opinion that the municipal laws and regulations are reasonable and well adapted to the rapidly changing social condition of the district, and that they have not been improperly enforced.

2d. There are no tonnage duties imposed.

3d. The port charges are probably as moderate as the present circumstances of the settlement will admit of, and are I believe strictly appropriated to the purposes for which they are indiscriminately levied.

4th. The assumed boundaries of the settlement I consider absolutely required, to authorize the council of Greytown to extend provisionally their jurisdiction and the power of law, for the protection of life and property along the great thoroughfare of the San Juan up to the undisputed boundary of the Republic of Nicaragua at the head of the Machuca rapid.

Should you coincide with me in these opinions, the service entrusted to us becomes limited to the duty of framing and agreeing upon the instructions to be issued conjointly to the

captains and commanders of the vessels of war of our respective nations which may be stationed here, so that in accordance with the friendly spirit existing between the United States government and that of her Britannic Majesty those officers may, on all occasions, act in unison and with cordiality, in giving such aid and assistance to the authorities *de facto* as the circumstances and emergencies of the case might urgently demand, for the preservation of the peace and tranquillity of the city and district.

I have drawn up the directions for the guidance of the senior officer of her Majesty's ships stationed here for the present, under the impression that you may concur with *the opinions* as above stated, but should you take different views on any points to which our respective instructions have reference, I shall be most ready to take into my immediate and respectful consideration any alteration or modification of the same which you may think it your duty to suggest.

Commander Campbell, who is left in charge of this part of the station, will forward to me, or bring to Port Royal, any despatches you may think proper to commit to his care.

You will perceive that my instructions are formed in a great measure upon the principle of non-interference with the management of the body corporate, in matters purely local, and of granting aid only when there might be real danger to life and property from serious rioting or tumultuous proceedings in the conduct of the numerous passers through Greytown, almost constantly in transit between the Atlantic and Pacific; in short generally to leave the *authorities de facto* to carry out their laws and regulations, and only to help them when a chance might exist of the force at their disposal being inadequate to the imminence of a temporary danger.

I again express my great regret at not meeting you here, and I have the honor to be, with the greatest respect, sir, your most obedient humble servant,

P. McQUHAE,

*Commander in command of the Jamaica Division
of the North American and West India Station.*

To Commodore F. A. PARKER,

*Commander-in-chief of the United States
Naval Forces in the West Indies.*

—
G.

This communication to Captain Hollins states that the writer H. W. Wagner, M. D., was violently assaulted on the 14th March, at San Juan, by three individuals belonging to

the militia of the town, alleging that he had made false statements with regard to the destruction of property by the authorities at Punta Arenas. He claimed the protection of Captain Hollins, as in consequence of the threats of these assailants he considered his life in danger when he was compelled to visit San Juan.

H.

UNITED STATES SHIP CYANE,

Harbor of San Juan de Nicaragua, March 14, 1853.

Information having been lodged with me that an assault was committed upon the person of a citizen of the United States, by some person or persons in the town of San Juan de Nicaragua, I hereby warn all persons, in said town, that in case of any future molestation of any citizen of the United States, or property belonging to the same, I shall take such steps as to bring the offender to punishment.

And further, that all boats passing to and from Point Arenas and San Juan de Nicaragua, will pass within hail of the ship under my command.

GEO. N. HOLLINS,

Commanding United States ship Cyane.

I.

BRITISH CONSULATE, *March 15, 1853.*

MY DEAR SIR: I see no necessity for any alteration in the programme of the notice you have sent for my perusal, further than an allusion which might be made to the resignation of the municipal authorities, and the consequent absence of any court whereby an American citizen or any other might obtain redress.

A notice to this effect might be posted at any public place, at this consulate, and also the commercial agency of the United States, also at the old Station House.

I have endeavored to induce a few of the inhabitants to act as magistrates for a short time, but without effect. They seem to have organized a party for their own protection, *Martin* having been elected, what they denominate, a chief. I shall look further into this matter, however, and see what can be done. In the meantime your proclamation, I think, will be of infinite service.

I remain, sir, yours, most respectfully,

HENRY GRANT FOOTE.

Commander GEO. N. HOLLINS,

Commanding United States ship Cyane, &c., &c., &c.

J.

To the Citizens of San Juan de Nicaragua.

Inasmuch as no competent authority is in existence in the town of San Juan del Nicaragua, to protect the property or persons of American or other citizens, and information having been lodged with me that an assault was committed upon the person of an American citizen by some person or persons in said town, I hereby warn *all persons* in said town that, in case of any future molestation of any citizen or property, I shall take such steps as to bring the offender to punishment.

And, further, that *all boats* to and from Point Arenas and San Juan de Nicaragua, will pass within hail of the ship under my command.

GEO. N. HOLLINS,

*Commanding U. S. S. Cyane.*U. S. SHIP CYANE, *March 14, 1853.**Harbor of San Juan de Nicaragua.*

REPLY OF THE NAVY DEPARTMENT.

Mr. Secretary Dobbin to Commander George N. Hollins.

U. S. NAVY DEPARTMENT,

Washington, April 4, 1853.

SIR: Your despatches of the 18th ultimo have been received. As the steamer leaves at so early a day after their receipt, it is impracticable to communicate to you at length the views of the administration in relation to the complicated questions touching the present affairs in Central America. By the next steamer, which leaves on the 15th instant, you may expect further despatches.

The United States will be represented in Central America immediately by a Minister Plenipotentiary. In the meantime you will consider it as the desire of the government that you should remain in the vicinity of San Juan, or Greytown, so long as your presence may be deemed necessary to protect the property and persons of American citizens.

Your prompt and prudent action, thus far, is approved. It is of course very important, in order to avoid collision, that your course should be marked with caution; but, at the same time, the impression should be very distinctly made, that the United States are both able and determined to protect the property and rights of American citizens. Of course you will confine yourself to that one duty, carefully avoiding any act committing your Government in any of the contested questions of jurisdiction at present disturbing that country.

The department is gratified to learn of the good conduct of those under your command.

I am, very respectfully, your obedient servant,

J. C. DOBBIN.

Commander GEORGE N. HOLLINS,

Com'g U. S. S. Cyane, San Juan de Nicaragua.

Mr. Dobbin to Commander Thos. A. Dornin.

NAVY DEPARTMENT, April 13, 1853.

SIR: Your letters written at San Juan del Sud, 9th of February last, and at Panama, 21st ultimo, were duly received.

The department approves your proceedings as indicated therein, and has but to remark that your course should be marked with caution, but at the same time the impression should be very distinctly made that the United States are both able and determined to protect the property and rights of American citizens.

You will continue, whilst separated from the commander-in-chief of the U. S. squadron in the Pacific, to communicate all matters of importance direct to the department.

Very respectfully, your obedient servant,

J. C. DOBBIN.

Commander THOS. A. DORNIN,

Com'g U. S. Ship Portsmouth, San Juan del Sud.

VISIT OF H. B. M.'S WAR-STEAMER GEYSER AT GREYTOWN.

Commander Hollins to the Secretary of the Navy.

UNITED STATES SHIP CYANE,

San Juan de Nicaragua, March 30, 1853.

SIR: Since my last communication of the 18th instant, her Britannic Majesty's war steamer Geyser arrived here under orders from Commodore McQuhae, who, I understand, has received a despatch from Mr. Martin, the late mayor and governor of this place, informing him that I had landed the marines of this ship, hauled down the Musquito flag, taken charge of the town, and blockaded the harbor.

Under this false report the commodore has sent the commander of the Geyser to inquire into the facts of the case, to whom I have given all the particulars; and as he desired my views in writing, I gave them to him—a copy of which you will find marked (a,) and his reply to same marked (b,) from which it appears plainly that he is acting under instructions from his commodore, who has assumed to himself

the right to district the limits of this city, as will appear from his letter to Commodore Parker, enclosed in my former communication to the department, and which was never received by him.

On my arrival here, not having any authority by which I could be guided, I obeyed strictly the orders from the Navy Department to protect the property of the Accessory Transit Company, and also took for my guide the instructions of the late honorable Daniel Webster, which prescribes no special limits to this town, nor recognizes any jurisdiction of its court other than for its own police purposes, but at the same time gives to commanders of both American and English vessels of war full power to correct abuses and settle all difficulties.

I deem it my duty to communicate to the department that the commander of the Geyser was at anchor in this port on the evening previous to which a posse was sent from Greytown to Point Arenas, for the purpose of tearing down one of the buildings, and was informed by the agent of the Accessory Transit Company of the intended destruction of said property; but, instead of interposing his protection, sailed from the port, leaving the employees and property of the company to the mercy of a reckless and lawless band of men, who acted in a most outrageous manner, not even permitting the clerks of the company to save the property in the house, and actually imprisoned and fined one of them for attempting to rescue some valuable articles from destruction.

If, according to the instructions of the late honorable Daniel Webster, referred to in this letter, the commanders of English men-of-war have orders similar to those given to our naval commanders, it would seem from the course adopted by the present commander of the Geyser, that he must be acting under orders from Commodore McQuhae, entirely at variance with those by which I have deemed it my duty to be guided.

In conclusion, I will call the attention of the department to the fact, that Commodore McQuhae has given very extensive boundaries to a place that is only recognized pro tempore by the governments of the United States and Great Britain; and includes Point Arenas within the jurisdiction of the city of San Juan de Nicaragua, giving the right to said city to execute any decree of their court, let it be ever so unjust to either persons or property. And I am fully convinced from what I have seen and heard, that the whole cause of this hostility towards the company proceeds from their refusing to move their depot and steamers to the city

of San Juan de Nicaragua, which would be injurious to all their best interests.

The United States commercial agent, Mr. Stevenson, has not honored me with a visit up to the time I write.

I am also happy to inform you that the officers and men enjoy good health.

While I have the honor to be, with the greatest respect, sir, your obedient servant,

GEORGE N. HOLLINS, *Commander.*

To the honorable SECRETARY OF THE NAVY.

[Enclosed.]

a.

U. S. SHIP CYANE, *San Juan de Nicaragua, March 27, 1853.*

SIR: After the conversation I had with you yesterday, I have thought it would be better to inform you in writing how I have construed the instructions of the late honorable Daniel Webster, Secretary of State of the United States.

Viewing those instructions as explicit in reference to all difficulties that might occur at San Juan de Nicaragua, I will now state plainly that all property belonging to either English or American citizens, lying in or out of said city limits, is to be protected from any injury attempted on the same by the inhabitants of that town, "peaceably if we can, forcibly if we must;" and so long as they conduct themselves properly, it is our duty to assist them in sustaining such municipal laws as they may deem it necessary to make for their better government. Beyond this I will not recognize any right on the part of their court, to exercise jurisdiction over the persons and property of the Accessory Transit Company at Point Arenas.

These are my *views*, and I shall wait for further instructions from my government.

By giving me yours on the same subject, you will oblige your obedient servant,

GEORGE N. HOLLINS,
Commanding U. S. Ship Cyane.

Captain WILSON,
Commanding H. B. M. Steamer Geyser.

b.

HER MAJESTY'S SHIP GEYSER, *Greytown, March 28, 1853.*

SIR: In reply to your communication of yesterday's date, I beg to state that, as the existing authorities of Greytown have been recognized pro tempore by the governments of Great Britain and the United States, and as I understand Point Arenas to be within the limits of their jurisdiction, any means taken by me to put a stop to their proceedings against the Accessory Transit Company's establishment on that point, would be an unnecessary interference in their affairs, which I have express instructions to avoid.

I conceive those proceedings to be legal, and the persons and property of the Accessory Transit Company to be as amenable to the laws of the Greytown government as the humblest individual in the community.

During my late service here in the month of February, when the proceedings against the company were first instituted, I acted in accordance with these views.

As, however, you consider your instructions to enjoin a different line of conduct, and as you have thought it your duty to arrest the proceedings of the municipality, until the arrival of further instructions from Washington, I beg to state that, in the meantime, until I receive further instructions from Commodore McQuhae, I will co-operate with you heartily in endeavoring to preserve the peace of the town, and affording protection to life and property.

I have the honor to be, sir, your obedient servant,

THOMAS WILSON, *Commander.*

Captain HOLLINS, *Commanding the United States Frigate Cyane.*

VIEWS OF THE ADMINISTRATION.

Secretary of the Navy in reply to Commander Hollins.

U. S. NAVY DEPARTMENT,

Washington, April 14, 1853.

SIR: Your communication from San Juan de Nicaragua, bearing date March 30, 1853, covering a correspondence with the commander of her majesty's war steamer, the Geyser, has been received.

I apprehend you have, ere this, received a communication from this department approving your conduct as reported in your despatches bearing date United States ship Cyane, harbor of San Juan de Nicaragua, March 18, 1853. While, however, your prompt interposition to protect the property of American citizens interested in the Accessory Transit Company meets with the entire approbation of the government, it is deemed proper to put you in full possession of the grounds on which that approval is based, and the views and policy of the government in relation to certain questions bearing on the subject matter more immediately under consideration.

You seem to entertain the opinion that it was the duty of the commander of the British war steamer, the Geyser, to interpose also for the protection of the property of the Accessory Transit Company, and express surprise that he should have sailed from the port on the evening before the destruction of the buildings, although "he was informed by the agent of the intended destruction." Your opinion seems to be based on the supposition that, by the convention between Great Britain and the United States of the 19th of April, 1850, it became the duty of those two powers to afford that protection. It is proper to suggest to you, that the convention of the 19th of April, 1850, stipulates that any company formed to promote a communication "by *ship canal*, which may be constructed between the Atlantic and Pacific oceans, shall receive the protection of Great Britain and the United States." It is true, therefore, that there is nothing in that treaty, *expressly in so many words*, guaranteeing their joint protection to the "Accessory Transit Company," formed since "the American Atlantic and Pacific Ship Canal Company," whose proposed mode of inter-oceanic communication is *not* by "ship canal."

It is *further true*, however, that in the 8th article of said treaty, the two governments do "agree to extend their protection by *treaty stipulations* to any *other* practicable communications, whether by canal or railway;" but whether, under

the spirit and true meaning of that convention, it is the duty of the two governments to protect the "Accessory Transit Company" as a company, is a question in regard to which you need not embarrass yourself, as the propriety of your action is justified on principles entirely distinct. If any of the subjects of her Britannic Majesty were interested as stockholders in said company, and the commander of the British war steamer declined interposition to save their property from destruction, it is a position in regard to which the United States have no desire, perhaps to disposition, to complain.

Your conduct in affording protection, and saving from destruction the property of that company, is commended not because of any *supposed stipulation* for that purpose, by convention between Great Britain and the United States, *but because American citizens* are largely and chiefly *interested* in said company, the charter of which was granted and guaranteed by the State of Nicaragua, within the limits of which State the town of San Juan is situated, and which charter was granted even long before any attempt was made to convert Greytown into what is now alleged to be an independent city. The authorities of Greytown have no right to interfere with rights and privileges thus granted by the State of Nicaragua. When, they, therefore, attempted to destroy the property of the company, your interference is justified and approved, *solely*, because it is regarded as an unauthorized attempt to *disturb the rights of American citizens*, and the United States desire that the American citizen "shall realize that, upon every sea and on every soil where our enterprize may rightfully seek the protection of our flag, American citizenship is an inviolable panoply for the security of American rights."

These suggestions are probably sufficient to inform you of the proper grounds on which the approval of your conduct is based, and on which it is desired you should place your justification. But as it is not possible to foresee what state of events may arise near that country, it is perhaps proper to give you somewhat more fully the views of the government touching some of the more prominent questions which may possibly engage your attention.

San Juan de Nicaragua, or Greytown, is regarded by the United States as within the limits of the State of Nicaragua. It has never been recognized by the United States as an independent government; no consul has been sent there, but on the contrary merely a commercial agent recognized, in whose commission San Juan de Nicaragua is expressly

stated to be within the limits of the State of Nicaragua. It is understood that this town claims its independence under a charter from a personage at the head of a tribe of Indians, called the Mosquito King. The United States have never recognized the government of the Mosquito King; and does not recognize the validity of his charter to the few settlers in Greytown; but, at the same time, you are expressly instructed to respect the police regulations of any temporary organization there, and not to molest them in the slightest degree, except under the contingencies previously mentioned.

It is not understood by the United States that Great Britain has any greater interests or rights in that or any other portion of Central America than the United States, but on the contrary it is understood that by the convention of the 19th of April she retired from the Mosquito Protectorate, and agreed "not to assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America." It is, therefore, to be assumed that the interest manifested by Commander Thomas Wilson, of Her Majesty's ship *Geyser*, in his communication to you of the 28th of March last, was not with a view to interfere with your interposition in behalf of American citizens, nor to exercise any peculiar guardianship over the authorities of Greytown, but merely with a view to the single point of inquiry as to the duty of both Great Britain and the United States, under the convention of April, 1850, to protect the Accessory Transit Company. Until the contrary appears you will, therefore, in any further communications with Commander Wilson, assume that to be the position of her Majesty's government.

A portion of the property attempted to be destroyed is on Point Arenas. Now Point Arenas is either a part of Costa Rica, or Nicaragua. If it be within the limits of Costa Rica, it is manifest that the authorities of Greytown, in the State of Nicaragua, have no right to molest persons or property there. If it be within the limits of Nicaragua, then the authorities of Greytown have no right to interfere, because of the privilege granted by the State government of Nicaragua prior even to any *attempted separate* organization at that town. It is not apprehended, however, that any further difficulty will occur with the authorities of Greytown, nor is it supposed that her Majesty's government will improperly interfere.

So soon as there is no apparent necessity for your remaining at San Juan, the health of your crew would, perhaps, be promoted by cruising from that station to Pensacola.

Commodore Newton will be instructed as to the future movements of the home squadron.

I am, respectfully, your obedient servant,

J. C. DOBBIN.

Commodore GEORGE N. HOLLINS,

Commanding U. S. Ship Cyane, San Juan de Nicaragua.

Mr. Dobbin to Commodore Newton.

[Enclosing the foregoing despatch.]

NAVY DEPARTMENT,

April 15, 1853.

SIR: For your information and guide you will receive, herewith enclosed, copy of a letter addressed to Commander George N. Hollins, of the U. S. ship Cyane, at San Juan de Nicaragua, touching his duties and the state of events at that port.

The department has deemed it proper in approving the conduct of Commander Hollins, as indicated in his despatches from San Juan de Nicaragua, to state to him the views and policy of the Government in relation to certain questions bearing on the subject matter, and the grounds on which that approval is based. Further instructions to the Commander-in-chief of the home squadron are not considered necessary at this time, but your attention is again invited to the orders of the department requiring occasional visits, by the vessels of the home squadron to the port of San Juan de Nicaragua, for the purpose of affording full protection to the rights and interests of all our citizens engaged in lawful trade between the Atlantic and Pacific coasts of the United States.

Very respectfully, your obedient servant,

J. C. DOBBIN.

Commodore J. S. NEWTON,

Commanding U. S. Home Squadron,

U. S. Frigate Columbia, Pensacola, Florida.

U. S. SHIP CYANE,

San Juan de Nicaragua, April 16, 1853.

SIR: I have the honor to acknowledge the receipt of your despatch of the 4th instant.

Enclosed, I send you a communication from our commercial agent, marked A,* and my reply marked B.

* A enclosed the documents C and D, which Commander Hollins in B declined to receive from Mr. Henry L. Stevenson, the United States Commercial Agent.

His never having called upon, or written to, me during all these difficulties, under the pretence of sickness, and as I am well informed did not use any means to stop the depredations upon the Accessory Transit Company, furthermore, having been one of those who, on a previous occasion, signed a petition from an English man-of-war to fire into the Prometheus, and his conduct altogether being so notorious, I decline having any thing to do with him in his official capacity.

The document marked C is a correct copy of the resolutions passed by the people of Greytown, or San Juan del Norte, on the evening of the 31st ultimo; the one marked D is the Mayor's letter, enclosing the resolutions and my answer to the same, marked E.

At present all is quiet, but I have heard they threaten the destruction of the property as soon as I leave the harbor. Under such a threat, I do not deem it advisable to leave the harbor before being relieved, or some positive arrangement can be made with the authorities, by which the property of the company will be respected.

The English commanders in this region have received orders from their minister at Washington, not to permit the property of the company to be molested, but at the same time their orders from the commodore of the station are for them not to remain in port over forty-eight hours, on account of preserving the health of their crew.

There are men in San Juan so determined on the removal or destruction of the company's property, for their own personal interests, that little or no faith can be put in any promises they may make, so long as there is not some force to keep them in check.

It is with great regret I have to inform you that several of the crew have been sick, but under the kind and constant attention of the surgeon, Dr. Spotswood, who has thus far kept the disease under his control, it has not proved fatal; but persons suffering from sickness in this climate require a long time to recover their usual strength.

I am, sir, very respectfully, your obedient servant,

GEORGE N. HOLLINS,

Commanding United States Ship Cyane.

Hon. J. C. DOBBIN, *Sec'y of Navy, Washington, D. C.*

C.

GREYTOWN, OR SAN JUAN DEL NORTE.

DEAR SIR: The following are true copies of the resolutions passed by the people of Greytown, or San Juan del Norte, on the evening of the 31st March inst.

Respectfully, yours, &c.,

T. J. MARTIN, *Mayor elect.*

To GEO. N. HOLLINS, Esq., *Commander United States ship Cyane.*

[Copy.]

"Whereas, we, the citizens of San Juan del Norte, in convention assembled, consider our present unsettled condition and want of government as injurious to our interest, daily subjecting us to great inconvenience and to future evils, and in view of the necessity which may shortly arise for a government of this city, do

"Resolve, That the citizens of San Juan del Norte, or Greytown, do hereby authorize and ratify the organization of a provisional government; and that the former members of the government, who resigned, be hereby appointed by the people to resume their functions, and that the said provisional government be governed by the constitution.

"Resolved, That the vacancies occasioned by the resignation of Mr. J. V. Perrez, and the departure of S. S. Wood from this territory, be filled by Messrs. F. Mancho and A. Sigaud.

"The preamble and resolutions were accordingly put to vote and carried by universal acclamation.

"Resolved, That the provisional authorities commence their government to-morrow morning.

"Messrs. Sigaud and Mancho signified their willingness to act.

"On motion, the meeting adjourned.

"W. H. DE FORREST, *Chairman*.

"F. S. SALTER, *Secretary*.

"GEO. M. USHER, *Interpreter*.

"SAN JUAN DEL NORTE, OR GREYTOWN."

—
D.

GREYTOWN, OR SAN JUAN DEL NORTE, *April 1, 1853.*

SIR: Having received notice from H. L. Stevenson, Esq., United States commercial agent, that you are ready to receive communications direct, I have the honor to enclose you a copy of resolutions passed by the citizens of Greytown, or San Juan del Norte, last evening, March 31, 1853, also a list of officers of the provisional government, and I am desirous of knowing if the same meets your approval. I have already communicated the above to her Britannic Majesty's consul and the commander of her Britannic Majesty's ship Geyser.

I have the honor to be, your obedient servant,

T. J. MARTIN, *Mayor elect*.

To GEORGE N. HOLLINS, Esq., *Commander of United States ship Cyane.*

LIST OF OFFICERS ELECT:

Mayor.—T. J. Martin.

City Council.—W. Geering, B. Mooney, W. P. Kirkland, A. Sigaud, and F. Mancho.

Judges of Supreme Court.—F. Cody, J. Reddy, and P. Castillan.

Health Officer.—H. A. Richards.

—
E.

U. S. SHIP CYANE, *Off Point Arenas, April 1, 1853.*

SIR: I have the honor to acknowledge the receipt of your letter of this date, enclosing the resolutions passed by the citizens of San Juan on the evening of the 31st of March, 1853.

I will acknowledge your authority and the officers named in your letter, as elected by the citizens of San Juan, so far as my instructions will allow, and no further.

That there may be no misunderstanding between us, I send you the words of the late Daniel Webster, by which I am guided: "Meanwhile a temporary recognition of the existing authorities of the place, sufficient to countenance any well intended endeavors on its part to preserve the public peace and punish wrong doers, would not be inconsistent with the policy and honor of the United States."

I am pleased to hear you have again formed a government. The persons selected to fill the various offices are their own choice, of course I make no objection to them.

I am, sir, very respectfully, &c.,

GEORGE N. HOLLINS, *Commanding U. S. ship Cyane.*

T. J. MARTIN, Esq., *Mayor elect of San Juan del Norte.*

THE CENTRAL AMERICAN QUESTION.

THE OCCURRENCES AT SAN JUAN, AND THE TREATY OF 1850.

[The following correspondence, which treats of the preceding transactions at San Juan de Nicaragua, was communicated to the Senate in compliance with a resolution of that body calling for any communication or correspondence with the British government growing out of the treaty of Washington of July 4, 1850, since the message of the President of the United States of January 4, 1853; and also copies of all instructions to our minister in England and all correspondence in relation thereto, that could be transmitted compatibly with the public interest. The negotiations on the subject to which they relate are still pending. President's Message, page 10. 33d Cong. 1st Sess., Senate Doc. Ex. No. 8.]

THE TREATY OF 1850.

Mr. Crampton to Mr. Marcy.

[Private and confidential.]

BRITISH LEGATION, *Washington, May 19, 1853.*

MY DEAR SIR: With reference to our conversation, yesterday, I enclose, for communication to the President, a copy of the dispatch from Lord Clarendon, which I had the honor to read to you, in regard to the Central American question.

I also send you a copy of the opinion of the queen's advocate, in relation to the construction of the 1st article of the treaty of April, 1850, of which I spoke to you.

I would desire that the communication of these papers should be regarded, for the present, as confidential.

In compliance with your wish, I send you all the documents of which I am in possession in regard to the proposed canal, from ocean to ocean, by the Isthmus of Darien; these are, the engineer's report, his journal, a map of Central America, with notes and a prospectus of the company.

Believe me, my dear sir, with much respect, yours very faithfully,

JOHN F. CRAMPTON.

Hon. W. L. MARCY, &c., &c.

OPINION OF THE QUEEN'S ADVOCATE.

Mr. Harding to the Earl of Clarendon.

DOCTORS' COMMONS, *April 15, 1853.*

MY LORD: I am honored with your Lordship's commands, signified in Mr. Addington's letter of the 7th instant, stating that he was directed to transmit to me a dispatch from Mr. Crampton, her Majesty's minister at Washington, enclosing a report of a speech made in the Senate of the United States by Mr. Clayton, by whom, when Secretary of State for the

United States, the treaty for the construction of an inter-oceanic ship canal between the Atlantic and Pacific oceans, across the Isthmus of Nicaragua, was signed with Sir Henry Bulwer, at that time her Majesty's minister at Washington, and with reference to the construction put by Mr. Clayton upon the 1st article of that treaty, namely, that Great Britain is thereby prohibited from protecting by force of arms any state in Central America, notwithstanding any alliance between her Majesty and either of those States. Mr. Addington is pleased to request that I would report to your lordship my opinion upon the interpretation given by Mr. Clayton to the provisions of that article.

In obedience to your lordship's commands, I have taken the matter into consideration, and have the honor to report, that I am of opinion that the interpretation given by Mr. Clayton to the provisions of the 1st article of the enclosed treaty (convention signed at Washington, April 19, 1850) is in some respects incorrect.

His statement that Great Britain cannot place "an armed soldier on the territory without violating the treaty," is, in my opinion, incorrect; and I can see nothing in the treaty which affords any foundation or color for such a statement. The first article expressly recognizes the fact, that Great Britain has and may have alliances with, and affords and may afford, protection to States and people in Central America, and only stipulates that neither shall be made use of for the particular purposes therein forbidden, and the maxim of construction "*Expressio unius est exclusio alterius*" applies to this article.

Great Britain, therefore, may, in my opinion, *protect* any State or people (including Indian tribes) in Central America, even by force of arms, if needful, without violating the treaty, provided only that she, in affording such protection, wholly abstains from occupying, fortifying, colonizing, or assuming, or exercising any dominion beyond her own territory in Central America. Neither does there appear to me to be anything in the treaty which would necessarily prevent Great Britain from sending a fleet or army, if necessary, into any part of Central America, or from conducting any naval or military operations, either aggressive or defensive, and either alone or in alliance with any other nations or States, in any part of Central America. She may certainly do so if she abstains from "occupying" or "fortifying, or assuming or exercising dominion" therein beyond her own territory.

There is not in the treaty any stipulation (for instance) that Great Britain shall abstain from preventing, by force

of arms, other nations from occupying, or fortifying, or assuming dominion over any portion of Central America; or that she shall not destroy such fortifications, or subvert such dominion if once established therein.

I understand Mr. Clayton, also, to assert that, by the treaty, Great Britain "has abandoned all dominion in the whole of Central America," which assertion is, in my opinion, incorrect, and at variance with the fact, at least as regards Belize and its dependencies, if, indeed, this exception was not intended by him.

I have, &c.,

J. D. HARDING.

The EARL OF CLARENDON, &c.

FIRST ARTICLE OF THE TREATY.

Mr. Crampton to Mr. Marcy.

WASHINGTON, *December 15, 1853.*

SIR: With reference to our conversation of yesterday, in regard to the construction of the first article of the treaty signed at Washington, on the 19th of April, 1850, I beg to state, in reply to the inquiry you then made of me, that I feel no objection to placing at your disposal the copy of the opinion of the queen's advocate on this subject, drawn up by him for the information of her Majesty's government, and which, at your request, I communicated to you, unofficially, in the course of a conversation which I had the honor of holding with you, on the same subject, in the month of May last.

I would remark, that I was not instructed by her Majesty's government to make any official representation to the government of the United States, with respect to the interpretation given to the first article of the treaty by Mr. Clayton in the Senate of the United States; the correctness of which, in some respects, is combatted by the queen's advocate. As the queen's advocate's opinion, however, constitutes a clear statement of the construction of the article in question, held by her Majesty's government to be sound international law, I can perceive no good reason for withholding it from the official knowledge of the government of the United States.

I avail myself of this occasion to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Hon. WILLIAM L. MARCY, &c.

THE OCCURRENCES AT GREYTOWN—THE TITLE OF MOSQUITO.

*Lord Clarendon to Mr. Crampton.*FOREIGN OFFICE, *April 29, 1853.*

SIR:—I have received and laid before the queen your dispatch No. —, in which you describe the occurrences which had taken place at Greytown, in the month of February, and in which the commander of the United States ship of war “Cyane” had taken a conspicuous part. Those occurrences, like all recent proceedings connected with Greytown, and the settlement of the Central American question, are of a complicated and not very intelligible nature: but it is unnecessary that I should, at the present moment, enter into a consideration of their details. It will be sufficient to say that her Majesty’s government deeply regret what has happened at Greytown, as tending to complicate still further a question already sufficiently embarrassing and difficult of solution.

However questionable in law the retention of the possession of Punta Arenas by the Accessory Transit Company may have been, it is to be regretted that the town council of Greytown should have proceeded to acts of forcible ejection against that company, and, on the other hand, however justifiable may have been the interposition of the commander of the “Cyane” to prevent acts of violence against the company, her Majesty’s government cannot but consider that that officer should, in the first instance, at least, have confined that interposition to a warning to the town council of Greytown to desist from those forcible proceedings, under pain of compelling him, if they were persisted in, to interfere by force of arms in protection of the company, until the question of lawful or unlawful occupancy should have been fairly decided. Her Majesty’s government have no doubt that Capt. Hollins acted with perfect honesty of intention, and to the best of his judgment, in a situation of much difficulty; but they consider that in landing an armed force and taking actual possession of territory, if not demonstrably belonging to, at least claimed, with every appearance of right, by the *de facto* council of Greytown, many members of which were United States citizens, he acted in a manner not warranted by his instructions. Certain, at all events, it is, that if the commander of an English ship-of-war had acted in similar circumstances like the United States commander, but one voice of condemnation of such a proceeding would have resounded from one end of the United States to the other.

I have but little doubt that before this dispatch can reach you, you will have expressed an opinion in this sense to the United States government. If you should not, however, have done so, I have to desire that you will, forthwith, in temperate terms, make known the feelings and views of her Majesty's government to the United States Secretary of State; but in so doing you will be careful to say, that under the peculiar circumstances in which Capt. Hollins was placed, her Majesty's government are not disposed to condemn his conduct. They merely wish to express their regret that he should have thought it necessary to put his measures of coercion against the constituted authorities of Greytown to the extent to which he carried them. And they further wish that stringent instructions should be issued to the United States naval commanders on that station, to abstain carefully and constantly from all acts of force which may tend to weaken the authority of the *de facto* government of Greytown, which has been temporarily established by the mutual consent, and under the protection, of the governments of Great Britain and the United States.

But her Majesty's government more especially desires to impress, in the most earnest manner, on the government of the United States, the paramount importance of finally settling the hazardous question of the future position of Greytown and the Mosquito kingdom and Central America generally, a question fraught with embarrassment and even danger, which cannot fail to increase daily so long as the points at issue remain in abeyance.

We have already made the fairest proposals to the United States government for the settlement of this important matter, and we are prepared to carry out those proposals in perfect sincerity of purpose, whenever the United States government may think proper to enter upon the question with us. We the more especially desire that these negotiations should not be delayed, because we have of late but too clearly seen how completely the rights of the question at issue, and the intentions of Great Britain, may be misunderstood and misrepresented in the United States, until the matter be finally disposed of by a convention or formal agreement between Great Britain and the United States in concert, if practicable, with the Central American States more nearly concerned in the question, but, if not practicable, without such concert, Great Britain must necessarily retain the position which she has always held with regard to Mosquito, and which the convention of 1850 was calculated and intended, when practically carried out, to modify,

but which, as its provisions have not been carried out, it has not as yet altered. Great Britain must also continue under the same conditions to assert the title of Mosquito to those boundaries which have always been claimed by that territory, and in so asserting those boundaries Great Britain must still repel any aggression within those limits which may be committed by Nicaragua, Honduras, or any other Central American power.

But, so far from being desirous of assuming voluntarily this attitude of protector, her Majesty's government anxiously wish to be relieved from so irksome and embarrassing a position by an honorable act of settlement which shall dispose of the question forever.

You will read this dispatch to the United States Secretary of State, or to the President, if desired, and you will urge the President and the Secretary of State to lose no time in meeting our views for finally disposing of a question, which if suffered to remain open, cannot fail to be productive of serious danger to both countries. I am, &c.,

CLARENDON.

THE TREATY OF 1850—THE MOSQUITO TERRITORY.

Lord Clarendon to Mr. Crampton.

FOREIGN OFFICE, *May 27, 1853.*

SIR: As great misconception appears to prevail, not only among the people of the United States, but also among persons placed in high and responsible situations in the government of that country, with regard to the true nature of the engagements into which Great Britain entered, by the convention of Washington, of April 19th, 1850, with respect to her present and future relations with Mosquito, and the other nations of Central America, and as that misconception, if not immediately corrected, might lead to serious misunderstanding between Great Britain and the United States, I think it highly desirable that that question should, without delay, be put upon its right footing, by a clear and distinct explanation of the view which her Majesty's government takes of it, and of the conduct which they intend to pursue with regard to it.

The article (1) in the treaty which treats of this matter, runs thus:

"The governments of Great Britain and the United States hereby declare that neither the one nor the other will ever obtain, or maintain for itself any exclusive control over the

said ship canal:" agreeing that neither will erect or maintain "any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, or the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, nor any alliance which either has or may have, to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying or fortifying, or colonizing Nicaragua, Costa Rica, or the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same."

To every stipulation contained in this article, her Majesty's government will faithfully adhere. They will neither seek to obtain any exclusive control over the ship canal if ever formed, nor will they erect any fortification commanding, or in the vicinity of that canal; nor will occupy, or fortify, or colonize, or assume, or exercise any dominion over any part of Central America; nor will they make use of any protection which they afford or may afford, or any alliance which they have or may have, to, or with any State or people, for the purpose of occupying, fortifying, or colonizing any part of Central America, or of assuming or exercising dominion over the same.

All these engagements Great Britain will religiously keep, as she does not doubt that they will be religiously kept by the United States. But Great Britain has nowhere in the treaty of April, 1850, renounced, nor ever had any intention to renounce, the full and absolute right which she possesses over her own lawful territories in Central America, such as that designation was distinctly understood and declared by the negotiators of the treaty; nor has Great Britain renounced by the treaty the protection which she has for centuries past afforded, and still affords, to the Mosquito territory. With a view to relieve the question of the Mosquito territory of whatever there may be of indefinite about it, and to place it upon a clear and stable footing, which will be equally advantageous to Mosquito itself, and to all the powers which are in any way connected with or concerned in it, her Majesty's government have already, on many occasions within the last twelvemonths, made overtures of the fairest and most liberal and practical character to the United States government, inviting that government to go hand in hand with the government of Great Britain, in devising and establishing a scheme of adjustment by which the affairs of Central America, Mosquito included, shall be satisfactorily and permanently set-

tled, and the honor of Great Britain, as ancient protector of Mosquito, shall be preserved intact.

Her Majesty's government are still ready and desirous, at any moment, to enter into friendly communication with the United States Government on this important matter; and they are of opinion that the sooner such negotiation is opened and terminated the better it will be for all parties concerned, and the greater will be the security for the maintenance of the friendly relations which now so happily subsist between Great Britain and the United States.

But until such settlement be finally concluded it is obvious that Great Britain cannot abandon her present position with regard to Mosquito, nor can she permit either Nicaragua or Honduras to assert, and still less to attempt to establish by force of arms, over any part of Mosquito, a right of possession which Great Britain has always denied, and still denies. And if either Nicaragua or Honduras were still to continue to make aggressions on the Mosquito territory with that object, it must be at their own peril.

Such are the views which her Majesty's government entertain with respect to Central America, as affected by the treaty of Washington of the 19th of April, 1850, and such is the course of conduct which her Majesty's government propose to pursue with respect to that country, and to the various questions which have arisen, or may arise, under the treaty. I will, however, add that her Majesty's government have no intention of disturbing, or departing in any way from, the arrangement entered into between the two governments for the maintenance of the *de facto* government and position of Greytown.

You will read this dispatch to the United States Secretary of State, and you will, at the same time, repeat to him the earnest desire which is felt by her Majesty's government to proceed throughout the whole of this matter cordially and in the most unreserved manner with the government of the United States.

I am, with great truth and regard, sir, your most obedient,
humble servant,

CLARENDON.

THE TRANSACTIONS AT SAN JUAN—TITLE OF THE MOSQUITO INDIANS.

Mr. Marcy to Mr. Ingersoll.

DEPARTMENT OF STATE, *Washington, June 9, 1853.*

SIR: Some days since, Mr. Crampton, her Britannic Majesty's minister, read to me a dispatch of the 29th of April

last, addressed to him by Lord Clarendon, her Majesty's principal secretary of state for foreign affairs, relative to the occurrences in March last, at San Juan, (called Greytown in that dispatch.) Having afterwards been furnished by Mr. Crampton with a copy of the dispatch, the President has been made acquainted with the views which it presents. He does not discover in those occurrences, and, if fully known to her Majesty's government, he presumes it would not discover, anything that could give rise to the apprehension of Lord Clarendon, that they tend "to complicate still further a question already sufficiently embarrassing and difficult of solution:" the Central American question. As the President has not seen anything to disapprove in the proceedings of Captain Hollins, on the occasion referred to, he has instructed me to communicate his views to you on that subject, in order that they may be presented to her Majesty's government; and he is quite confident that the transaction at San Juan, when all the facts in relation to it are known, will appear in a light very different from that in which it has been viewed by Lord Clarendon. There is probably some difference of opinion between the two governments as to the right of the Accessory Transit Company to retain possession of Punta Arenas against the people of San Juan. The dwellers at that place were not, when these occurrences happened, and, as the President believes, never were, in actual possession of Punta Arenas; nor, as the case is understood here, have they any title to it, or any right to disturb that company in the occupancy thereof.

If this point of land is within the territorial limits of Nicaragua, as that republic claims it to be, the right of the Accessory Transit Company can hardly be drawn in question. It is derived from an express grant in their charter from the government of Nicaragua. If, on the other hand, it is within the territorial limits of Costa Rica, as that State asserts, the company can retain their possession, as against the people at San Juan, who do not pretend to hold the town of San Juan, or any other property, by grant or permission from the government of Costa Rica.

The United States cannot recognise as valid any title set up by the people at San Juan, derived from the Mosquito Indians. It concedes to this tribe of Indians only a possessory right—a right to occupy and use for themselves the country in their possession, but not the right of sovereignty or eminent domain over it.

It is not now made known, for the first time, to her Majesty's government, that the United States denies that these

Indians have any sovereignty over the country they occupy. Our government does not make—nor does it perceive any good reason for making—any distinction between this tribe of savages and those which occupied parts of our territories, or the territories of the British provinces in North America. I am aware that her Majesty's government regard the Mosquito Indians as an exceptional case to the rule generally acted on by itself, as well as other nations; but in this claim the United States has never acquiesced. It is not proposed, on this occasion, to discuss this question; for, however decided, it cannot change the aspect of the transaction alluded to. It is not probable that any attempt will be made to claim for the people at San Juan any authority over Punta Arenas—derived from the Mosquito Indians, even if it were possible to invest them with sovereign authority over the country they have occupied. Punta Arenas, it will be recollected, is on the southern bank of the river San Juan. At the time when the Accessory Transit Company took possession of it, there was scarcely the foreshadowing of a pretension to a claim for these Indians to any territory whatever on the south side of that river.

With such a title, and actual possession under it, by the Accessory Transit Company, the extraordinary proceedings of the people at San Juan to destroy the company's property at Punta Arenas seems to me to deserve no countenance from any quarter; nor does the assistance rendered to the company, being composed of citizens of the United States, by the commanding officer of one of our national vessels, merit rebuke or require justification.

I am quite sure her Majesty's Secretary of State would not have commented as he has upon the transaction, if all the facts had been known to him. The main, if not the only ground of objection presented by her Majesty's government to the conduct of the commander of the *Cyane*, is not, as I understand the dispatch of Lord Clarendon, that Capt. Hollins interposed to prevent acts of violence from being perpetrated against the company, "but that he did not, in the first instance, at least," confine "that interposition to a *warning* to the town council of Greytown to desist from those forcible proceedings, under pain of compelling him, if they were persisted in, to interfere by force of arms, in protection of the company, until the question of lawful or unlawful occupancy should have been fairly decided."

Lord Clarendon assumes that no such warning was given; and the omission to give it appears to be the only ground for his animadversions on the conduct of the commander of

the Cyane. This ground is entirely swept away by the facts of the case. The *warning* to the full extent suggested *was* given to the town council of San Juan, over and over again. The day before that fixed on for the demolition of the buildings on Punta Arenas by the people at San Juan, Captain Hollins, hearing of their intention to commit that act of violence, sent Theodore P. Green, his first lieutenant, on shore, with directions to inform the people of San Juan that if they attempted to carry their resolution to destroy the property at Punta Arenas into effect, he should resist them by force. Lieutenant Green gave this warning to the mayor and common council, while in session at their council chamber. He, in fact, did all that Lord Clarendon suggests as proper to have been done prior to an allowable interposition by an armed force. But Captain Hollins' precautionary steps went much further. In the morning of the same day on which the attempt was made to destroy the property at Punta Arenas by the people of San Juan, being informed that they did not intend to heed this warning and desist, but were preparing to execute the threatened outrage, he went himself on shore, and in person to the common council, then in session, and notified them "that he should be compelled to put a stop to any depredations they might attempt upon the property of the Accessory Transit Company." Captain Hollins' efforts to prevent the violent proceedings of the people at San Juan, did not cease with this twice-repeated "warning;" but, after his return on board of the Cyane, he issued a written warning, addressed to the mayor of that place, of which the following is a correct copy:

UNITED STATES SHIP CYANE,
Harbor of San Juan del Norte, or Greytown, March 11, 1853.

SIR: After the interview I had with your "honor" this morning, before your honorable council assembled, I have to state, most respectfully, that I cannot permit any depredations on the property of the Accessory Transit Company whose depot is located upon Punta Arenas, at the entrance of this harbor.

I am, very respectfully, your obedient servant,

GEO. N. HOLLINS,
Commander U. S. S. Cyane.

To his Honor, the MAYOR OF SAN JUAN DEL NORTE, OR GREYTOWN, NICARAGUA.

These facts, when brought to its notice, must, as the President believes, convince her Majesty's government that there is no cause for taking the exception which it has taken to Captain Hollins' conduct at San Juan in March last; they must remove from Lord Clarendon's mind all feelings of regret, and all apprehension that the occurrences to which he refers will, in any way complicate "the already sufficiently embarrassing and difficult question" between the two governments in regard to Central America.

The President considers it to have been the unquestionable duty of the commander of the *Cyane* to afford the protection he did to the Accessory Transit Company against the threatened outrage of the people at San Juan; and he cannot discover anything in the manner of performing that duty to which any exception ought to be taken.

If there be anything in the transactions at San Juan at that time to be regretted, it is the course which the commander of the British steamer *Geyser* saw fit to pursue, in regard to this movement of the populace at that place, a short time previous to that of the 11th March, against the servants and property of the Accessory Transit Company, on Punta Arenas. On the evening previous to the day when an attack upon both was made by a party from San Juan, the captain of the *Geyser* was at anchor in the harbor, and was notified by the company's agent of the intended attack the next day on the property of that company at Punta Arenas; but, instead of interposing to prevent the meditated destruction of it, or to dissuade the reckless men engaged in that project, from an act so outrageous—so likely to lead to violence and civil confusion—he departed temporarily from the port, leaving the servants and property of the company at the mercy of their assailants. It is reasonable to conclude that, if the kind offices of that officer had been then vigorously interposed, and his departure from the port at that crisis had not given some plausibility to the inference—doubtless unjust towards Captain Wilson—that he did not disapprove of the movement, no force would have been required to prevent difficulties at that or any subsequent period.

It is proper to say, in conclusion, that the President does not authorize me to say in reply to the dispatch of her Britannic Majesty's principal secretary of state for foreign affairs, anything which may be construed into a recognition on his part, of the claim set up by the people at San Juan to sovereign authority in themselves over any territory whatever, or to any municipal or corporate powers, or political organization derogatory to the sovereign rights of either Nicaragua or Costa Rica; nor does he regard any instructions heretofore issued from this or the Navy Department to our naval officers, for the temporary recognition of an authority for the mere purpose of preserving the public peace, and punishing wrong doers, by the anomalous settlement at San Juan as sanctioning the pretensions of the people of that place to be considered a *de facto* government, independent of the State within the territorial limits of which the town of San Juan is situated.

In order to apprise her Majesty's government of the views of the President in regard to the occurrences at San Juan in March last, you will read this dispatch to the Secretary of State for Foreign Affairs, and also furnish him with a copy of it, if a copy should be requested.

I am, sir, respectfully, your obedient servant,

W. L. MARCY.

JOSEPH R. INGERSOLL, Esq., &c.

CONDUCT OF CAPTAIN HOLLINS—THE MOSQUITO COUNTRY.

Lord Clarendon to Mr. Crampton.

FOREIGN OFFICE. *July 22, 1853.*

SIR: I transmit to you herewith the copy of a dispatch addressed by the United States Secretary of State to the United States Minister in this country, which, by the direction of his government, the latter gentleman has put into my hands. That dispatch has reference to the recent occurrences at Greytown and Punta Arenas, and to the conduct of Captain Hollins, the commander of the U. States ship "Cyane," on that occasion.

The tone of that dispatch, if not hostile, is certainly not such as her Majesty's government had hoped for from the United States government, after the many fair and friendly efforts which, at some sacrifice of feeling, with respect to the Mosquito country, they have for some time past made with the United States government, in order to bring about in concert with them, a mutually advantageous and equitable settlement of the affairs of Central America, more especially in reference to Greytown and the Mosquito country.

In justifying the conduct of Captain Hollins, in the dispute which occurred in the month of February last, between the Accessory Transit Company and the *de facto* government of Greytown, the United States Secretary of State applies the word rebuke to the representation which, in my dispatch No. 21. of the 29th of April last, I directed you to make, on the part of her Majesty's government, to the government of the United States on the subject of the proceedings of that officer: but I neither rebuked, nor invited a rebuke upon Captain Hollins. I merely pointed out, in temperate language, the erroneous position in which, in my view of the matter, that officer had placed himself: and in order to avoid all danger of future misunderstanding, I requested that stringent instructions might be conveyed to the United States commanders on that station, for the guidance of their conduct on similar occasions, in a sense different from that

pursued by Captain Hollins. That request was grounded on the instructions which were furnished in the spring of 1852, by the British and United States governments to their respective naval commanders in Central America, directing them to support, in conjunction, and pending the negotiations for the settlement of the Central American question, the *de facto* government of Greytown. Now, that government claimed a right to the Isthmus called Punta Arenas, over against Greytown, on the other side of the mouth of the river San Juan; and on the written request of the Accessory Transit Company, dated the 11th of June, 1851, to the effect that the company desired the use of a portion of the land on the other side of the harbor, near Punta Arenas, measuring two hundred feet east to west, and four hundred feet north to south, the government of Greytown had ceded that portion of land to the company, at a nominal rent, "until the land in question might be required for the purposes of the Mosquito government." This agreement, therefore, clearly shows that the Accessory Transit Company considered the land in question as dependent on Greytown, and that they were bound to evacuate it whenever required by the government of Greytown. They were so required in February last, and refused; and the United States commander, not only supported them in that refusal, but landed an armed force to protect them against the authorities of Greytown. It was this act that her Majesty's government considered as opposed to the mutual instructions given, and the understanding entered into in 1852 between the governments of Great Britain and the United States, and they instructed you accordingly to make a representation against it, and to request that fresh instructions might be sent out to prevent a recurrence of such proceedings.

Her Majesty's government fully admit that the conduct of the government of Greytown, in the violent measures which they took for forcibly ejecting the Accessory Transit Company from Punta Arenas, was injudicious and intemperate: and they have made known that opinion to those authorities. But that conduct does not, in the judgment of her Majesty's government, justify the strong measures of coercion adopted by Captain Hollins against the Greytown government. In fact, nothing could, in the opinion of her Majesty's government, warrant either an United States or a British naval officer, under their mutual instructions, in landing armed men from their ships at Punta Arenas, for the protection of the Accessory Transit Company against the enforcement of the terms of a written agreement by the *de facto* government

of Greytown, with which the agreement had been voluntarily made. It was competent to the United States commander to use the most urgent means of persuasion with the government of Greytown, to induce them to desist from their ill-judged course of violence, but not to employ an armed force for that purpose.

Mr. Marcy observes that if, as Nicaragua asserts, Punta Arenas is within the territorial limits of Nicaragua, the right of the Accessory Transit Company can hardly be drawn in question, because they hold their charter from the government of Nicaragua. But the fact of the company having rented Punta Arenas, as above described, from Greytown by a voluntary written agreement, founded on their own application, sets this question at rest, for having acknowledged the right of Greytown, and held under that acknowledgment, the company cannot now turn round, and acknowledge the opposite right of Nicaragua.

Her Majesty's government deeply regret the language which the United States Secretary of State has thought it expedient to employ in his dispatch, in speaking of the Mosquito country and of Nicaragua. Her Majesty's government were necessarily conscious of the light in which the government of the United States had always, and, it is admitted, consistently, viewed the Mosquito country. But the United States government were equally cognizant of the long standing relations of Great Britain with that country, and of the moral impossibility of her abandoning that country and its ruler, after ages of protection afforded to them, without making such terms in their favor as should be consistent with their own fair claims, and with the dignity and honor of the British crown.

Under this well known difference of views, it were the more to be desired that both governments should sedulously abstain from all language calculated to bring that difference more prominently into view: and that they should, on the contrary, employ their best efforts to throw that difference into the shade, and to settle the question at issue in a manner equally beneficial and creditable to both.

I have already stated, in my dispatch, No. 36, of the 27th of May, that, until the general Central American question shall have been finally determined, her Majesty's government must regard the territorial rights of Mosquito, including Greytown (saving the *de facto* arrangement entered into with regard to the latter,) in the same light in which they have always been regarded by Great Britain; and that her Majesty's government cannot recognize any pretension on the part

of Nicaragua or of Honduras to any part of that territory. They must, on the contrary, continue to resist any such pretension. In repeating this declaration, however, her Majesty's government again, and in the most cordial manner, invite the United States government to join with them in devising and carrying out such an arrangement, with regard to the Mosquito country and Central America generally, as shall both tend to remove any chance of future misunderstanding between two great and kindred countries, and shall also afford a better prospect than now exists of bringing into the pale of political and commercial enlightenment a vast and noble region lying between the northern and southern continents of America, which, to all practical interests, is now lost to the world.

I am, &c.,

CLARENDON.

J. F. CRAMPTON, Esq., &c., &c.

MR. REVERDY JOHNSON'S OPINION.

*Letter from the late Attorney General of the United States, giving his opinion on the construction of the treaty of Washington, of July 4, 1850.**

WASHINGTON, December 30, 1853.

MY DEAR SIR: I cannot hesitate to comply with your request to give you my opinion on the construction of the treaty of Washington, of the 19th of April, 1850. Pending the negotiation of this treaty, I exerted myself in personal conferences with Sir Henry L. Bulwer, to bring about an agreement between you and him, and, on several occasions, I had the honor to be consulted by you both, particularly in reference to the declarations made on both sides, at or about the time of the exchange of ratifications.

In the first draft of the first article of the treaty, presented by you for the consideration of the President, the contracting parties were obligated not "to occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America." I thought then, as you did, that these words were sufficient to exclude any nation disposed to observe the faith of treaties, from occupying, fortifying, colonizing, or assuming, or exercising any dominion, under any pretext or for any purpose. I still think so; but I remember well that other gentlemen, who were consulted at the time, desired,

* Submitted to the Senate by Mr. Clayton, January 3, 1854, and ordered to be printed.

from abundant caution, that Great Britain should pledge herself not to make use of any protection which she afforded, or might afford, or any alliance which she had, or might have, to or with any State or people, for the purpose of occupying, fortifying, or colonizing, or of assuming, or exercising dominion over that country. And, in consequence, the provision to that effect was introduced as a part of that article. The object of this was, still more especially to disarm the Mosquito protectorate of Great Britain in Central America.

My opinion was then, and it now is, that this provision was not at all necessary. You thought as I did. But as it could not possibly weaken the force or the effect of the preceding words, and, if effective at all, could only serve to render them more forcible and operative, we did not object to its insertion. If the former words prohibited, as they clearly did of themselves, the doing any of the particular acts specified, an express stipulation that such acts should not be done, by or under cover of protectorates or alliances, could only operate still more effectively and absolutely to prohibit them.

As one of the advisers of the President, I unhesitatingly gave him my opinion, that the treaty did effectually, to all intents and purposes, disarm the British protectorate in Central America and the Mosquito coast, although it did not abolish the protectorate in terms, nor was it thought advisable to do so "*in ipsissimis verbis*." All that was desired by us was, to extinguish British dominion over that country, whether held directly or indirectly—whether claimed by Great Britain in her own right, or in the right of the Indians. But our government had no motive and no desire to prevent Great Britain from performing any of the duties which charity or compassion for a fallen race might dictate to her, or to deprive ourselves of the power to interfere to the same extent in the cause of humanity. We never designed to do anything which could enable the enemies of this miserable remnant of Indians to butcher or starve them, and we thought that both Great Britain and the United States owed it to their high character for civilization and humanity to interfere so far in their behalf as to prevent the extirpation of the race, or the expulsion of them from the lands they occupied, without extinguishing, by a reasonable indemnity, the Indian title according to the rules of justice, which have been admitted both by the English and ourselves. But we did intend (and the treaty contains every thing for that purpose that could be desired) to prevent the British govern-

ment from using any armed force, without our consent, within the prohibited region under pretext or cover of her pretended protectorate. And when now reviewing what was done, I say upon my responsibility as a lawyer, and as the legal adviser of the President at the time, that, in my judgment, human language could not be more properly and admirably selected for the purpose than that which you employed when you signed the treaty. It has been said, but I can hardly accredit it, that Great Britain now contends, in virtue of the phraseology of the last part of the first article incidentally speaking of the protection which either party may use, that the treaty acknowledges the protectorate over the Indians. If so, it equally acknowledges our protectorate over the same Indians, or over Nicaragua, or any State which we may choose to protect. The same words apply to both parties, and it is a bad rule that does not work equally for both. The moment Great Britain threatens with arms to defend the Indians, and claims a right to do so in virtue of the treaty, we may claim, by the same instrument, with equal justice, the right to take arms in defence of Honduras and Nicaragua. But, in my judgment, the treaty, which was meant for peaceful purposes, denies both to Great Britain and the United States the right to interfere by force of arms for any such purpose, or for any other purposes, except by mutual consent. If Great Britain may send an army into Nicaragua to defend the Indians without violating the treaty, which binds her not to occupy that country, then, by the same rule of construction, she may also fortify the whole of Central America, or introduce a colony there under the same pretext. Any adverse possession of Great Britain in Central America, without our consent, is an occupation in violation of her national faith. The construction which would allow her to place an armed soldiery on the territory, for the purpose of protecting the Indians, would also allow her to assume absolute dominion there for the same purpose, and thus annul the whole treaty.

But it may be said that some other nation may invade Central America, and that this construction would deprive both the contracting parties of the power to defend it. Not at all. Both parties have bound themselves to protect the canal, and all canals and all railroads that can be made, not only in Central America, but in any part of the isthmus which separates North from South America. In virtue of this obligation it would be the duty of both to resist, by the most effective means in their power, all invasions and other acts hostile to their great and philanthropic common purpose.

So, too, injuries or torts inflicted either by the Indians or by any Central American State, upon either American citizens or British subjects, may be punished by their respective governments without violating the treaty; and no one of these states, by means of a convention, which is marked in every line by a devotion to the true principles of commerce, civilization, and equal justice to all men, can escape punishment for her injustice or oppression. This treaty is the first instance, within my knowledge, in which two great nations of the earth have thus endeavored to combine peacefully for the prosecution and accomplishment of an object which, when completed, must advance the happiness and prosperity of all men; and it would be a matter of deep regret if the philanthropic and noble objects of the negotiators should now be defeated by petty cavils and special pleading, on either side of the Atlantic.

As to the declaration of Sir Henry L. Bulwer, and the counter declaration made by you at the time of the exchange of the ratifications, I probably had a better opportunity of understanding the views and objects of both of you than any other. I assisted, by your request, in the arrangement of the phrasology of the counter declaration, dated the fourth of July, 1850, to Sir Henry L. Bulwer's declaration of the 29th of June. By your request also, I examined Sir Henry L. Bulwer's powers, and conversed with him freely and fully on the whole subject, at the very moment when, in consequence of his declaration, you threatened to break off the whole negotiation.

I remember well that after his declaration was received, there was a period when you had resolved to abandon the treaty in consequence of it; but when Sir Henry consented to receive your counter declaration of the fourth of July, in which you expressly limited the term "her Majesty's settlement at Honduras," to that country which is known as British Honduras, as contra-distinguished or distinct from the state of Honduras, and also confined the word "dependencies" in his declaration to those "small islands" *known at the time to be such*; in which also, while admitting Belize or British Honduras not to be included in the treaty, you disavowed all purpose of admitting any British title even there; in which, too, you declared that the treaty did include "all the Central American States within their just limits and proper dependencies," and in which you expressly stated to him that no alteration could be made in the treaty without the consent of the Senate, and that he was understood as not even proposing any such alteration,—you then con-

sented to exchange upon that counter declaration, which, in your judgment, and in mine too, completely annulled every pretext for asserting that the declarations of the negotiators had altered the convention, or fixed an interpretation upon it contrary to the meaning of the President and Senate. We both considered then, and as a jurist I now hold it to be perfectly clear, that the exchange of the ratifications on that counter declaration was, on the part of the British minister, a complete waiver of every objection that could be taken to any statement contained in it.

In point of law, the declarations of the negotiators, not submitted to the Senate, were of no validity, and could not affect the treaty. Both understood that. This government had decided that question in the case of the Mexican protocol, and the British government was officially informed of their decision. The very power to exchange ratifications gave them the same information, and it is absolutely impossible that the British minister could have been deceived on that subject.

I remember well that you steadily refused every effort on the part of Sir Henry to induce you to recognize the Mosquito title. The treaty left us at liberty to recognize the title of Nicaragua or any other Central American State, and left the British government the right to recognize the title of the Mosquito King. On these points the parties agreed to disagree. But the right to recognize is a very different affair from the right to compel others to recognize. The British protectorate was, I repeat, entirely disarmed by the treaty. How is it possible for Great Britain to protect if she cannot "occupy, or fortify, or assume any dominion whatever" in any part of the territory? She is equally prohibited, in my opinion, from occupying for the purpose of protection, or protecting for the purpose of occupation. If she observes the treaty, her protectorate "stands (as you once well said of it in a diplomatic note) the shadow of a name."

With regard to the British colony said to have been established on the 17th of July, 1852, in the islands of Ruatan, Bonacca, Utila, Barbarat, Helena, and Morat, and designated as the colony of the Bay of Islands, the question whether by establishing such a colony, Great Britain has violated the treaty of 1850, depends entirely upon facts in regard to which there are different opinions. The only islands known to this government on the 4th of July, 1850, to be dependencies of British Honduras or Belize, were those referred to in the fourth and fifth articles of the treaty

of London of the 14th of July, 1786. The fourth article provides that "the English shall be permitted to occupy the small island known by the names of Casina, St. George's Key, or Cayo Cafina," and by the fifth article, they "have the liberty of refitting their merchant ships in the southern triangle included between the point of Cayo Cafina and the *cluster of small islands* which are situated opposite that part of the coast occupied by the cutters, at the distance of eight leagues from the river Wallis, seven from Cayo Cafina, and three from the river Sibun, a place which has always been found well adapted for that purpose. For which end, the edifices and storehouses absolutely necessary for that service shall be allowed to be built." These articles in the treaty of 1786 give us the only knowledge of any small islands, which were, on the 4th of July, 1850, "dependencies" of British Honduras. I repeat, that the counter declaration acknowledges no other dependencies of British Honduras but those small islands which were *known* to be such at its date. We knew, indeed, that Great Britain as well as Honduras had laid claim to Ruatan, but we had no information as to the ground on which the former rested her claim. Your reply to Sir Henry L. Bulwer avoided any recognition of the British claim to it, or other allusion to it than could be inferred from the positive assertion that the treaty did include all the Central American States "with their just limits and proper dependencies." If these islands were a part of any Central American State at the time of the treaty, the subsequent colonization of them by Great Britain is a clear violation of it. If, on the other hand, they did not then belong to any Central American State, it would be gross injustice on our part to pretend that the treaty did include them. My impression is, that Ruatan belongs to the State of Honduras, but my knowledge of the facts is too limited to enable me to express it without diffidence.

During the administration of President Taylor, there was no new aggression by Great Britain in any part of the isthmus which was not promptly met and resisted. He had firmly resolved by all constitutional means in his power, to prevent such aggression if any should be attempted, considering as he did, that all the passages through the isthmus should be kept free, to enable us to retain our possessions on the Pacific. I pretend to know nothing of what has occurred there since his day, but neither he nor his advisers could be held responsible if the treaty negotiated by his orders has been at any time violated since his death.

I can scarcely suppose it possible that Great Britain in

tends seriously to interpose her protectorate again to obtain dominion over the isthmus. I am assured that whatever may be contained to the contrary in any dispatches emanating from the British foreign office, of which rumor speaks, the fact is that a portion (represented to be one half) of the claim of the Mosquito king has been lately bought up by American citizens, with the concurrence and approbation of the British government, and that negotiations are on foot, with a fair prospect of success, for the purchase by the same persons of the residue of that claim.

Before closing this letter, I would congratulate you and our country on the brightening prospects of a speedy construction of the great work to promote which you have devoted yourself so long and so faithfully. American and English gentlemen of high character have, it seems, interested themselves in the exploration of a canal route indicated by Humboldt across the isthmus at Darien. Their engineers have reported the route from the Savannah river, emptying into the harbor of Darien and the gulf of St. Miguel, on the Pacific, to Caledonia bay, on the Atlantic, as being certainly practicable for less than seventy-five millions of dollars, and that the harbors on each side are admirably formed by nature for the purpose, being sufficient to contain the navies of the world. The deepest cut on this route, which extends but for a very small distance, is represented to be only about 150 feet, and the whole distance, from a point on the Savannah river, seven miles from the harbor of Darien, where the depth of water is 36 feet, to the noble Bay of Caledonia, is only 33 miles. In consequence of your negotiation the 8th article of the treaty of the 19th of April, 1850, binds both Great Britain and the United States to protect this route as well as all other canals and every railroad across the isthmus while in or out of Central America. I understand that, pursuing the spirit of the treaty, engineers under the sanction of the government of Great Britain and the United States are now actually engaged in surveying and exploring this Darien canal route, and that we may, during the next year, expect their official reports. American citizens and British subjects are to be equally concerned in the management of the canal. The British exploration, pursuant to the understanding between the two governments, is proceeding on the Pacific, and the Cyane (United States ship-of-war) sailed not many days ago from Philadelphia, for the purpose of aiding in surveying Caledonia bay and exploring the route on the Atlantic side. The protection of New Granada would be indeed utterly insufficient to induce capitalists to under-

take such an enterprize; but the joint protection of the American and British governments, secured by the treaty, is held to be ample for the purpose, and under the assurance of that protection it is believed this great enterprize—by far the greatest and most important ever undertaken by man—will be consummated. If completed, the passage to San Francisco from New York will be shorter by, probably, 12,000 miles, and the danger of the Cape avoided. Our country will then become the great depository of the incalculable treasures of the Pacific. Aware, as you probably are, of the facts connected with this enterprize, you cannot but rejoice in the belief that the subject to which you have devoted so much labor, and for which you have incurred so much responsibility, has at length assumed a shape promising the realization of your brightest hopes.

I am, dear sir, sincerely your friend and obedient servant,
REVERDY JOHNSON.

Hon. JOHN M. CLAYTON,
United States Senate, Washington.

THE BOMBARDMENT OF GREYTOWN.

[From documents communicated by the President, July 31, 1854, in compliance with a resolution of the Senate calling for all the information in his possession respecting the bombardment of Greytown or San Juan de Nicaragua by Captain Hollins, in command of the United States ship Cyane, with copies of all orders or instructions, if any, given by the Executive to said Hollins in relation thereto.]

OUTRAGE ON THE AMERICAN MINISTER.

Mr. Borland to Mr. Marcy.

WASHINGTON, May 30, 1854.

SIR: Having arrived in this city from my mission in Central America, I beg leave to submit the following statement of occurrences, which I regard as important, and ask for it your early consideration.

Inclosed herewith and marked (A,) is a printed slip, cut by me, from a New York newspaper, which purports to be a statement of those occurrences, prepared by the officers of the steamer Northern Light, and which I find to be correct in all material particulars. I present it in lieu of any separate statement of my own, and adopt it as such.

Inclosed, also, marked (B,) I hand you a copy of the agreement made by me with the persons I employed to remain at Punta Arenas, as a guard over the persons and property of our citizens.

In addition, I deem it proper to remark: That although I was personally cognizant of the conduct of Captain Smith, for which he was charged with murder, and sought to be arrested by the so-called authorities of San Juan, or Greytown, and was (as I now am) clearly and decidedly of opinion that he was justifiable in all he did, the question of his guilt or innocence did not enter into the considerations for which I interposed to protect him. He was a citizen of the United States, and the persons who sought to arrest and claimed the right to punish him, were not recognized by the United States as a government possessed of the right, or invested with the power, to exercise jurisdiction over any portion of Central America, or to determine any question involving the persons or property of our citizens. This ground I was not only authorized but required to assume, as well by the precedents of interposition to protect our citizens at the same place and against the same persons, heretofore directed and sanctioned by our government, as by the special instructions under which my mission was undertaken. Besides, even

supposing the so-called authorities of San Juan, or Greytown, to be a government invested with the rights and powers I have denied over the territory embraced within their town limits, they certainly had no jurisdiction over that portion of territory upon which the obnoxious act of Captain Smith had been done, as that was, although on the north bank, yet some ten or twelve miles above the mouth of the San Juan river. So of the place where his arrest was attempted (Punta Arenas,) on the south bank of the San Juan river, and the opposite side of the bay from San Juan, or Greytown. The act, then, of Captain Smith, whether criminal or not, was done within the territory of Nicaragua, and for it he is amenable to Nicaragua alone, if to any authority; and the place of his attempted arrest (Punta Arenas) is territory in dispute between Nicaragua and Costa Rica, so that no legal process, civil or criminal, could rightfully be executed there, unless by authority of one or the other of those powers.

It will be observed that at one moment I resorted to a threat of violence to repel the armed men of San Juan from the steamer. I wish it to be distinctly understood that I did this from no impulse of passion, nor with the expectation that my threat would have to be executed, though, if unheeded, it would have been. My course was adopted from a conviction of its necessity as the only mode then at my choice to prevent a collision which could hardly have ended without the destruction of many lives.

It is true that the mayor (Sigaud) came to me and disavowed the acts of those who arrested and assaulted me. But it is equally true that he presided at the meeting at the station house, (town hall,) in which it was proposed (by Martin, the ex-mayor,) and resolved to arrest me; that the authorities took no steps to prevent it; and that armed men who arrested me were composed, mainly, of the police guard of the town, and were armed with the muskets of the corporation. Their leader declared that he came by order of the mayor to arrest me.

From the best information I could obtain, the population of San Juan, or Greytown, numbers about three hundred, of all sorts, and consists of a few Englishmen, Frenchmen, Germans, and men from the United States, but mainly of negroes from Jamaica, and some natives of the Mosquito shore. There are also some two or three natives from the interior of Nicaragua. When I reached that place, last September, the number of negroes was much smaller than at present. This number has been increased, as I am informed, by recent arrivals from Jamaica; until now they constitute

the majority, and exercise the greater influence. At the last elections and corporate organization, no American (except one mulatto man from New Orleans) was included.

Of these people, I am informed that some seventy-five to one hundred can be mustered for military service, and they have in their possession three brass cannon—one 18-pounder and two 12-pounders, and some two hundred muskets. With the exception of a few persons, these people own no property, and have no ostensible means of livelihood. In their anomalous condition, without a government which any civilized nation recognizes—indeed, occupying, by usurpation, territory which our government recognizes as belonging to Nicaragua; being persons, almost without exception, of notoriously bad character—some of them discharged penitentiary convicts and refugees from justice, habitually manifesting evil dispositions towards our citizens, and indulging those dispositions to the injury of persons and property, whenever they are not restrained by force, I am unable to regard them in any other light than as pirates and outlaws, upon whom punishment, to the extent of extermination, may be rightfully inflicted by any hand that has the power; and, in my opinion, the interests of good government and humanity impose the duty, upon any offended party, of inflicting such punishment in a manner at once summary and effective. Heretofore, when these persons have committed their lawless acts upon our citizens, the armed hand of our government has been interposed, not to punish for the past offence, but only to prevent its threatened repetition. As a consequence, as soon as the restraining force was withdrawn, the offence was repeated. Until now, they have got to believe that restraint for the time, and not punishment, is the worst they will have to suffer for their worst acts. When I warned them of the consequences of their bad conduct, they boldly told me they intended to do as they pleased, and were reckless of consequences.

Under these circumstances, and informed by our commercial agent, Mr. Fabens, as also by Mr. Scott, the agent of the Accessory Transit Company, who has under his care many thousand dollars worth of property, that, in view of the evil dispositions of those persons, as manifested for some time past, and then in a state of high excitement, they did not consider that the persons and property of our citizens would be safe after the steamers had left, unless protected by an adequate force, I deemed it my duty to employ the services of the men, as set forth in the printed slip and the agreement inclosed, in order to afford that protection. As these

circumstances are, so far as I am informed, without precedent, so, I presume, is the course of conduct I pursued under them. What I did I found to be necessary, and believed to be right. I therefore assumed the responsibility, not doubting that it would be approved by my government.

It will be observed that the compensation I agreed to pay is large—that is, it would be considered so under ordinary circumstances: but, under the circumstances of the time and place, added to the fact that the men employed were our citizens, who had been long from home, and were anxious to return—some of them being half-way the voyage—I do not think the amount can be deemed unreasonable. The refunding passage money, provided for in the agreement, was superseded subsequently by the stipulation in the postscript to pay fifty dollars in addition to the one hundred first agreed upon. The reason for adding the fifty dollars was the difficulty I had in getting the requisite number of men, after a few had enlisted for the hundred. Without this addition, I could not have made up the number. The free passage home is still provided for by the agreement of the Transit Company to receive the tickets for the remainder of the trip.

An additional item of expense—the amount of which could not be ascertained at the time, and which I do not yet know—is the cost of arms to supply a portion of the men. These purchases I authorized the Agent of the Transit Company to make. The subsistence of the men will be furnished on account by the agent of the company. If the service shall continue longer than one month, the rate of compensation for the additional time will be \$100 per month.

I expressed the confident opinion to the men employed, that they would not be detained longer than one month, and I promised that they should be paid, through our commercial agent, when their service expired, at Punta Arenas. For this opinion and promise, I confidently relied upon the approval and co-operation of my government.

I have the honor to be, most respectfully, your ob't serv't,
SOLÓN BORLAND.

Hon. W. L. MARCY,
Secretary of State.

—
 A.

Arrival of the Northern Light.—Serious trouble at Nicaragua.—Arrest of Mr. Borland, U. S. Minister.

The purser of the steamer, by authority of Captain Churchill, furnishes the following report of extraordinary proceedings at San Juan, involving the arrest of Mr. Borland, the American minister. The purser says:

On the evening of the 16th instant the river steamer *Routh*, Capt. T. T. Smith, arrived at Punta Arenas, and was lying alongside the Northern Light to deliver her passengers. About dusk, while the passengers were passing from one steamer to the other, a bongo, having on board some twenty-five or thirty armed men, mostly Jamaica negroes, headed by a mulatto man calling himself the marshal, came over from San Juan or Greytown, and ranged up alongside the steamer *Routh*. The so-called marshal, accompanied by several of his armed men, jumped on board the steamer and announced their purpose to arrest Capt. Smith, by virtue of a warrant from the mayor of Greytown, upon the charge of murder. Capt. Smith refused to be arrested, and armed himself for resistance.

At this stage of the proceedings, Mr. Borland, the American minister, who was at the time on board the Northern Light, was informed of what was going on. He immediately went on board of the *Routh*, where he found a crowd of persons, among them a number of the armed men from the bongo, in a high state of excitement. The marshal, with his men, was attempting to arrest Capt. Smith; and the latter, standing at the cabin door, was keeping them at bay. Mr. Borland at once interposed, telling the marshal that no authority, recognized by the United States, existed at Greytown to arrest, or in any way to interfere with any American citizen, and ordering him to withdraw his men from the steamer, and go away.

The marshal proposed to exhibit the mayor's warrant, under which he was acting. This Mr. Borland declined to examine. After some hesitation the marshal announced his intention to withdraw, as advised by Mr. Borland. While this was going on, and before the marshal and his men had left the steamer, much excitement was manifested among the men who had remained on board the bongo; loud threatening language was used by them, and brandishing their weapons, several at once rushed on board the steamer. At this moment Mr. Borland, taking a rifle from the hands of a bystander, stepped over the railing upon the guards, warned the men in the bongo to keep off, and at their peril not to put a foot on the steamer. Upon this the movement towards boarding the steamer ceased, and in a few minutes the marshal and his men returned to the bongo, and she returned to the opposite side of the harbor.

About dark, Mr. Borland, accompanied by Mr. Scott, a son of the agent of the Transit Company, on board of one of the boats of the Northern Light, went across the harbor to San Juan, or Greytown, to visit Mr. Fabens, our commercial agent. Soon after arriving there, Mr. Borland heard that, at a meeting of the people of the town, held at the station-house, presided over by the mayor, it had been proposed and seemingly agreed to, that he (Mr. Borland) should be arrested. In a few minutes the execution of this proposition was attempted. A loud knocking was heard at the lower doors of Mr. Fabens' house, and upon his going to ascertain the cause, a body of men, armed with muskets, consisting in part of the regular police of the town, and headed by a Jamaica negro, inquired for Mr. Borland, and declared their purpose to arrest him.

Mr. Borland, hearing this, went down stairs, confronted these men, and demanded their business with him. Their leader informed him that they came, by order of the mayor, to arrest him, because of his preventing the arrest of Capt. Smith. Mr. Borland then repeated to them what he had said to the marshal about their want of authority, &c., and inquired of them if they were not aware of his exemption from arrest in his capacity of minister of the United States. To this they answered, they cared nothing for all that, but that they had come to arrest him, and meant to do it. He then warned them of the serious consequences to themselves and to all concerned with them, if they proceeded to the extremities they proposed. They replied, that they knew the consequences, and were prepared to meet them.

Mr. Borland said to them, that they must proceed at their peril, and called several gentlemen, who were in an upper room, to come down and be witnesses of the threatened assault upon him.

Upon this the leader of the armed force called Mr. Martin, (ex-mayor,) as if for the purpose of consultation, and Martin not answering, they went off a little from the door, in the direction where, from their manner, they expected to find him.

About this time, Mr. Borland still standing at the door, the mayor (a Frenchman) came up and said these proceedings had been without his order and au-

thority; and, while the conversation was going on, some one from the crowd threw the fragments of a broken glass bottle, which struck Mr. Borland, and slightly wounded him in the face. The particular person who threw this missile was not recognized, as the night was dark, and a crowd in the porch and about the door. Soon after this blow was inflicted upon Mr. Borland the crowd dispersed.

Mr. Fabens, the commercial agent, procured a canoe, and passed the harbor to the Northern Light, to make known to Captain Churchill and the passengers the state of affairs on the other side. A meeting was held, at which it was agreed to send a committee of three gentlemen to consult with Mr. Borland, as to the best steps to be taken; these gentlemen, with Mr. Fabens, proceeded in one of the steamer's boats to the town; but, upon approaching the shore, they were hailed by a number of armed men, who fired one gun over the boat, and threatened to fire into them if they attempted to land; and this, although informed that Mr. Fabens was on board, and desired to go to his consulate. Thus forcibly prevented from landing, the boat returned to the Northern Light. During the night the town was occupied by armed men, whose sentinels were stationed between the American consulate, where Mr. Borland was, and the harbor, challenging all who attempted to pass, preventing boats from landing or leaving the shore, and thus keeping Mr. Borland a prisoner all night.

The next morning he procured a boat and returned on board the Northern Light, when he was informed by Mr. Fabens, our commercial agent, and Mr. Scott, the agent of the Transit Company, of the violent and lawless disposition manifested by the people of San Juan. They did not deem the persons and property of our citizens safe from aggression, or even destruction, in the absence of force sufficient to protect them. Mr. Borland, concurring in this opinion, called a meeting of the passengers, and proposed to engage the services of fifty men to remain and afford the necessary protection, until our government, informed of the state of affairs, should send a proper force for the purpose.

The requisite number of men volunteered, and were organized under the command of Crawford Fletcher, Esq., formerly from Tennessee, and now on his return from California.

Mr. Fabens, our commercial agent, has taken up his abode under their protection, and Mr. Borland embarked on the Northern Light, to proceed forthwith to Washington, to lay this matter before the government.

B.

The undersigned agree with Solon Borland, U. S. Minister Plenipotentiary in Central America, to remain at Punta Arenas, on the harbor of San Juan del Norte, as an armed guard, to be duly organized, until he can have them relieved by the orders of the U. S. government. The compensation to be one hundred dollars a month—a full month to be paid for, even if the service shall be of shorter duration; subsistence and quarters, and a free passage to either of the ports of New York or New Orleans, at the expiration of the service; that is to say, the proportion of passage money already paid from Punta Arenas to New York or New Orleans, shall be refunded.

Payment of the cash compensation to be made at the expiration of the service. The purpose of this service is the protection of the U. S. commercial agent and agency, and of the agent, agency, and employees of the Accessory Transit Company.

P. S.—In addition to the above cash compensation, fifty dollars will be paid to each of the undersigned. (Signed,) SOLON BORLAND, *U. S. Minister.*

George Hosmer,
Jas. B. Stringham,
John Brown,

Paul Brown,
Eli Eisenhartz,
&c. &c.

INSTRUCTIONS OF THE STATE DEPARTMENT.

Mr. Marcy to Mr. Fabens.

DEPARTMENT OF STATE, *Washington, June 3, 1854.*

SIR: I presume an order will be sent out by the steamer which will leave New York on the 5th instant for San Juan,

to discharge the men who were employed by Mr. Borland for the protection of the life and property of American citizens, at that place. The conduct of the people there towards our citizens has attracted the attention of this government, and will not be passed unnoticed. The inhabitants of that place will be expected to make reparation for the wrongs and outrages they have committed. The case stated in your communication to this department, of the 15th ultimo, (No. 8,) presents a wrong which requires immediate reparation. As the pretended authorities of the town have volunteered to protect those who had stolen the property of the Accessory Transit Company, when brought within the territories over which they assume to exercise authority, they will be held responsible to the amount thereof, and to make due reparation therefor. You will lose no time in notifying them that this government will require a restoration of, or payment for, the property taken to their town, and all damages sustained by their outrageous conduct in preventing the company from repossessing itself of it. In other respects their conduct has been such towards our citizens as to require the interposition of this government for obtaining redress, and it is expected the people at that place will be prepared to make it in a satisfactory manner. I shall communicate with you more fully on this subject, by the opportunity which will be afforded by the national ship about to be sent to San Juan.

I am sir, &c.,

W. L. MARCY.

JOSEPH W. FABENS, Esq.,

United States Commercial Agent at San Juan de Nicaragua.

Mr. Marcy to Mr. Fabens.

DEPARTMENT OF STATE, *Washington, June 9, 1854.*

SIR: Commander Hollins, of the United States navy, will immediately proceed in a national ship to San Juan de Nicaragua, for the purpose, in part indicated, in my communication to you of the 3d instant.

The rumor which has just reached here embarrasses the government in indicating the course which it will be proper for him to pursue on arriving at that place. It is said that the pretended political and civil authority at that place is dissolved. Should this prove to be true, there will be no organized body upon which a demand for redress can be made, or from which a proper indemnity for injuries or insults can be received. But the individuals who have participated in the infliction of the wrongs, cannot escape from

the responsibilities resulting from the conduct of the late political organization at that place.

You were instructed in my former letter, to notify the people of San Juan to repair the injury they have caused to the Accessory Transit Company, by withholding from it the property which had been stolen and taken to San Juan, and by protecting the persons who were guilty of the felony. It is hoped that the town will have adjusted that matter to the entire satisfaction of the company; and, in that way, Commander Hollins will be relieved from the disagreeable necessity of taking any action in regard to that subject. You will, on the arrival of Commander Hollins, explain to him what has been done in that matter.

Mr. Borland, our minister to Central America, has represented to this government that, while recently at San Juan, he was insulted by the authorities or people of that place. An indignity offered to the nation, as well as to him individually, cannot be permitted to pass unnoticed. If done by order of the authorities of the place, they must answer for it in their assumed political character. Nothing short of an apology for the outrage will save the place from the infliction that such an act justly merits. It is expected that this apology will be promptly made, and satisfactory assurances given to Commander Hollins of future good conduct towards the United States and public functionaries who may in future be at that place.

If the outrage was committed by lawless individuals, without the authority or connivance of the town, then it is clearly the duty of those who exercise the civil power at San Juan to inflict upon them exemplary punishment. The neglect to bring them to justice is assuming on the part of the nominal magistrates there, the responsibility for the acts of these individuals. In such a case, not to punish is an implied sanction of the acts of the transgressors. It is hoped that the authorities will be prepared to satisfy Commander Hollins, that they have done what was incumbent on them, in the way of bringing the offenders to punishment.

You will confer freely with Commander Hollins, and furnish him with all the information you possess in relation to the condition of things at San Juan.

I am, sir, respectfully, your obedient servant,

W. L. MARCY.

JOSEPH W. FABENS, Esq.,

U. S. Commercial Agent at San Juan del Norte.

DIFFICULTIES AT SAN JUAN DE NICARAGUA.

Mr. Fabens to Mr. Marcy.

COMMERCIAL AGENCY, U. S. A.,

San Juan del Norte, Nicaragua, May 15, 1854.

SIR: I have the honor to acknowledge the receipt of flag and arms of the United States for this agency, per steamship "Star of the West," on the 2d of March last.

I have also to acknowledge the receipt of your dispatch, dated March 22, granting me leave of absence for six weeks, agreeably to my request, and it is my present intention to leave per steamship "Northern Light," on or about the first proximo.

Since my last dispatch, (No. 7,) of 3d March, there have been some matters of difference between the people of this town and the Accessory Transit Company of Nicaragua. Mr. Joseph L. White, Agent of the company, left here on the 17th of March, without having effected any settlement of existing difficulties between the company and the town. Before leaving he gave instructions to the captains and pursers of the steamship to pay no more port charges at San Juan del Norte, and take no letters, or other packages, or freight for, and have no communication of any nature whatever with the people of said town. This proceeding on the part of the company exasperated much the people of the town.

The ground taken by the company in this matter was, that the territory which they occupied, known as Point Arenas, was held by them by virtue of their charter from Nicaragua, and was a portion of that State; that their steamships did not come within the jurisdiction of the municipal authorities of San Juan del Norte, and were, consequently, not to be held liable for any port charges levied by the authorities of that town.

On the 15th of April an election of town officers was held, which resulted in the choice of an administration, supposed to be friendly to the Transit Company, and prepared to settle all differences with the said company upon the terms set forth by Mr. White while here.

But on the evening of the 5th instant a disturbance took place upon the shores of the harbor, the details of which are fully, and, as I believe, correctly set forth in the accompanying document, marked A; and on the evening of the 6th instant another and more serious difficulty occurred, which is correctly described in document B. The facts set forth in these two protests of Mr. Scott, general agent of the Accessory Transit Company of Nicaragua, are substantiated by

depositions taken before me of several of the employees of the company. The point of contention between the parties is, as will be seen, the right of jurisdiction on the part of the municipal authorities of San Juan del Norte over Point Arenas.

Since the occurrences described in the above named documents affairs have gone on quietly. On the 12th Mr. Scott appeared in court, that his bail might not be forfeited, but declined contesting the case, having already protested. After a brief examination of the person presenting the complaint, he, Mr. Scott, was discharged. The trial of Sloman will take place on the 20th instant, when, as he acknowledges the offence with which he is charged, he will probably be condemned to pay a few dollars fine and costs of the court.

I have brought this matter to your notice, because I believe that until after affairs are arranged between the Nicaragua Transit Company and the town of San Juan del Norte, or until the question of sovereignty over this town and the territory of Point Arenas is settled, there can be no permanent tranquillity or well-being on either side. I do not apprehend that any serious disturbances will arise for the present, but I am, nevertheless, of opinion that the frequent visits to our harbor of vessels of war of the United States will exercise a beneficial influence upon the interests of all concerned.

I am, sir, with great respect, your very obedient servant,

JOSEPH W. FABENS.

Hon. W. L. MARCY, *Secretary of State*
of the United States, Washington, D. C.

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A.

This document is a protest of Joseph N. Scott, agent &c., setting forth on his oath that on the evening of the 5th of May, about 11 o'clock, P. M., William Creighton, mate of the steamer H. L. Bulwer, belonging to the Transit Company, being at the company's station, at Point Arenas, observed four men loading a yawl boat belonging to the company with merchandise, (consisting of flour, corn, meal, &c.,) and informed deponent of the fact. These men were Robert Reed, J. Magraw, and two others, all at the time or previously employees of the company. Deponent immediately proceeded to the beach and hailed them to return, but they took no notice of him. He then dispatched a boat with Creighton, Robert Bullis, and Wm. Sloman, all employees of the company, in pursuit. The first boat arrived at San Juan, where the men left her, with the exception of Reed, who offered some resistance, and was struck on the head by Sloman, who attempted to shove the boat off shore. While thus engaged, the soldiers from the station-house threatened to fire on him, and thus compelled him to return to the shore with the boat. In the meantime, the men who had escaped from the first boat took refuge in the station house.

Soon after, Mr. Hutchinson, clerk of the Transit Company, acting under Scott's orders, arrived on the spot with three men and took possession of the stolen boat. In attempting to shove her off shore, Hutchinson was ordered by a policeman, with a musket, to stop; but no attention being paid to this order, the man dropped his musket and called on the crowd to assist him in taking possession of the boat

which being of the strongest party, they succeeded in doing. Hutchinson then observing F. Duzman, "captain of the port of San Juan del Norte," called upon him to deliver over the boat; agreeing at the same time to leave in his charge, the merchandise until the following morning, that it might then be identified, with the express understanding that this property was not to be in any other way disposed of until such examination was made. Hutchinson, with Sloman, Bullis, and Creighton, having the three boats in charge, then left the port of San Juan on their return to Point Arenas.

On the following morning, Hutchinson returned to San Juan, with Creighton, to identify the property, in accordance with the agreement made with Duzman, but Duzman had not the property in charge, and said that he had handed it over to the "marshal." Hutchinson then accompanied the marshal to a house, in the open yard of which were some articles, said by the marshal, to be the articles in question. Hutchinson seeing that the flour and other articles taken were missing, and that the wife of Magraw was apparently in charge of the goods, declined making any further examination and left on his return to the point.

On the same morning, A. Sigaud, "Mayor of San Juan del Norte," issued a warrant for the arrest of Sloman, charged with an assault and battery upon Reed, which warrant was served by the "marshal." Sloman requested the marshal to accompany him to the office of Scott, the agent of the Transit Company, who told the marshal the company did not recognize the jurisdiction of the authorities of San Juan, over Point Arenas, and that he should not permit the arrest of Sloman except by force and under protest. The marshal then departed, but returned in the afternoon with an armed force, and took Sloman, Scott protesting verbally against the act at the time, and notifying the marshal of his determination to send in his written protest to the authorities of San Juan, at his earliest convenience.

B.

This document is a protest of Joseph N. Scott, agent, &c., in which he sets forth on oath, that on the evening of the day in which Sloman was carried to San Juan del Norte by persons claiming to be in authority there, under the protection of the Mosquito flag, he (the deponent) proceeded to the said city, for the purpose of obtaining Sloman's release.

While at the station-house with J. W. Fabens, commercial agent, after having obtained the discharge of Sloman, under bond, he (the deponent) was declared a prisoner, and held to examination on a charge preferred against him by the "marshal," of having, while at Point Arenas, objected to the taking of Sloman by the "authorities of the city of San Juan del Norte," on the ground that the said "authorities" had no authority or jurisdiction over the said point. The deponent was then held to bail for his appearance for trial within six days.

THE ATTEMPT TO SEIZE THE AMERICAN MINISTER.

Mr. Fabens to Mr. Marcy.

COMMERCIAL AGENCY, U. S. A.,
San Juan del Norte, May 30, 1854.

SIR: Since my last dispatch, No. 8, dated May 15, 1854, accompanying protests of the general agent of the Accessory Transit Company of Nicaragua, very serious difficulties have arisen, growing out of an attempt made by the people of this town to seize the person of the American minister in Central America, Mr. Borland, while on his return to the United States. This extraordinary measure was undertaken, as I am informed, in consequence of the ground taken by the minister, that the people now occupying this town had no

jurisdiction over Point Arenas or the steamers of the Transit Company.

You have doubtless before this received full details of this affair from Mr. Borland himself, and I will merely state briefly the facts in the case as they fell under my own personal observation.

On the evening of the 16th instant, at about the hour of 6 P. M., Mr. Borland arrived at my house. He informed me that a native boatman had been shot upon the river by the captain of the steamer in which he (Mr. B.) was a passenger; that upon arriving in our harbor an armed force boarded the steamer and demanded the person of the said captain; that he (Mr. B.) told them they had no authority or jurisdiction in the matter, and that he should not permit the captain to be arrested by them. While we were conversing upon this subject, information was brought by a friend that the authorities of San Juan had decided upon the arrest of the American Minister, and in about five minutes' time an armed force of some six or seven men, mostly, it appeared, Jamaica negroes, with muskets in their hands, drew up in front of the consulate, and, in a very excited manner, demanded the American minister. I proceeded to the door, and while endeavoring to learn more in detail the character of this movement, Mr. Borland himself came forward. He spoke to the group—(at this time, in addition to the six or seven men with muskets already mentioned, there were some thirty or forty others, principally blacks, from Jamaica and San Domingo, and all in a state of intense excitement)—in a calm, dignified manner asked them if they were aware of the consequences of these proceedings, &c.; to which reply was made that they were fully aware, and had been prepared to die since 4 o'clock, P. M. Mr. Borland then spoke to me apart, requesting me to leave immediately for the steamship Northern Light, lying in the harbor at the time, and, if possible, return with aid. As I left the house, in obedience to this request, a fragment of a broken bottle was thrown at Mr. Borland, striking him in the face, and drawing blood therefrom. I will here add, that I never saw a more infuriated mass of human beings than were on that occasion in forcible possession of the consulate; and so great was the excitement in town against the Transit Company, from the moment when the information of the death of the above mentioned boatmen arrived, that it is my firm belief that if the captain who committed the act had been delivered up he would have been torn in pieces, or hung immediately, without trial or examination.

When I arrived on board the Northern Light I stated the case to Captain Churchill, who gave me permission to lay it before the passengers. It was then decided, after mature deliberation, that a committee of three should be appointed to return with me to San Juan, communicate with the minister, and agree upon the most proper course to take under the circumstances. In company with this committee I set out on my return to town, but on approaching the shore we were ordered off. The quartermaster replied that the "consul" was on board, and going to his house. The answer to this was, "He can't land." Upon our venturing to proceed, a shot was fired by one of the party above our heads, while three others pointed their muskets directly into the boat. We then put about and returned to the ship. It was then past midnight. All this time we had been under great anxiety as to the personal safety of Mr. Borland, and it was to assure ourselves upon this point that the steps last described above were taken.

On the following morning, between the hours of seven and eight, A. M., Mr. Borland, taking advantage of a momentary lull of the excitement, left the consulate for the steamship, in company with Mr. E. F. Mason, an American gentleman residing with me. He was received on board the Northern Light with every manifestation of sympathy and joy on the part of his countrymen. What followed, you are doubtless aware of. A consultation was subsequently held at which Mr. Borland, Col. Frémont, Mr. J. N. Scott, agent of the Accessory Transit Company, Capt. Churchill, and myself were present, and it was decided as necessary, under the circumstances, to leave an armed force at Point Arenas, for the protection of the Accessory Transit Company, and the American interests at San Juan del Norte. Fifty men were enrolled, of whom Mr. Crawford Fletcher was unanimously elected captain. These men are now on duty at Point Arenas, and I am convinced that their presence at that point has kept in check the violent passions of a portion of the lower class of the people of this town, and prevented further and yet more serious disturbances. Many rumors of what was contemplated have reached me, but as I have no positive proof of the matter, I defer communicating them until I can do so personally.

The Northern Light sailed on the evening of the 17th instant. On the next morning the British war steamer "Argus" arrived in our harbor. The people of this town, as I learn, applied to the commander for an order to disperse the force at Point Arenas, which he declined giving. This

vessel remained in port four days, and then sailed for Port Royal, in Jamaica. I did not have the pleasure of seeing her commander while here, neither did he communicate with the agent or any officer of the Transit Company, or take any steps, so far as I am aware, to inform himself of the *American side* of the affair in question. On the morning of the arrival of this vessel, all the authorities of this town resigned their offices, and the place remains to this time without any form of government. The station-house, with the arms and ammunition belonging to the town, is in possession of the Jamaica negroes, (the same parties who committed the outrage previously spoken of.)

I am of opinion that there can be no permanent peace in this place, until the question of sovereignty is definitely settled, and a responsible government established.

I am, sir, with great respect, your very obedient servant,
JOSEPH W. FABENS.

Hon. W. L. MARCY,
Secretary of State of the United States.

INDEMNITY FOR THE OUTRAGE SUGGESTED.

Mr. Fabens to Mr. Marcy.

COMMERCIAL AGENCY, U. S. A.
San Juan del Norte, June 16, 1854.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 3d inst.

I am very much gratified to learn that the conduct of the people of this town towards our citizens, will not be passed over unnoticed.

My last dispatch, dated May 30, (No. 9,) gave a brief statement of affairs since the departure of the "Northern Light," 17th ultimo. There is but little change to the present time. Some of the aiders and abettors in the outrage perpetrated upon Mr. Scott, agent of the Accessory Transit Company, as well as upon Mr. Borland, United States Minister to Central America, have escaped per British steamer to Jamaica, via Navy Bay; but I believe that the chief instigators are yet among us.

With regard to the losses suffered by the Accessory Transit Company, I am of an opinion that no suitable indemnity can be obtained from the parties now in possession of affairs, except by taking possession of, and holding the territory of Mosquito, so called, beneath whose flag the outrages in question were perpetrated.

With the hope of receiving further instruction by the national vessel soon to arrive,

I am, sir, very respectfully, your obedient servant,
JOSEPH W. FABENS.

P. S.—Mr. Scott, agent of the Accessory Transit Company has notified me that he does not consider it advisable or safe, under the circumstances, to leave Point Arenas unprotected, and requests me to keep the guard now there on service until the arrival of an armed vessel of the United States, which request (as it is in perfect accordance with my own opinion in the case) I have complied with, by giving an order to Captain Fletcher, in command of the forces, to remain until the arrival of the next steamship, due here 30th June, previous to which date I hope the United States vessel will be here.

Very respectfully, your obedient servant,
JOSEPH W. FABENS.

Hon. WILLIAM L. MARCY,
Secretary of State, U. S. A., Washington, D. C.

—
ARRIVAL OF CAPTAIN HOLLINS.

Mr. Fabens to Mr. Marcy.

UNITED STATES SHIP CYANE,
Off San Juan del Norte, July 15, 1854.

SIR: My last dispatch of 16th ult., advised you of the detention of the armed force left by Mr. Borland at Point Arenas for an additional half month. This was done with the understanding with Mr. Scott, agent of the Transit Company, that if the United States government did not recognize the necessity of this measure, the expenses thereof would be paid by the Transit Company. The half month expired on the 2d inst., but as the New York steamship did not arrive in our harbor until 3d, the men were not disbanded until that day, and received in settlement pay for one day extra.

I have now the honor to acknowledge receipt of your dispatch of 9th ult., per Commander Hollins, of the United States ship "Cyane," who arrived in our harbor on the 11th instant.* * * * *

I regret to have to say, that the proclamation of Commander Hollins produced no effect upon the people of the town. Not one of its inhabitants paid to him the courtesy

* The passage omitted is a repetition of the facts stated in Commander Hollins dispatch of the 16th July to the Navy Department

of a visit; and no word of explanation of affairs, or remonstrance against the proceedings of the United States government, was forwarded either to Commander Hollins or myself, except a brief protest from James Geddes, Esq., acting vice consul of her Britannic Majesty at Greytown, "Mosquito."

I will here mention, however, that on the occasion of the outrage committed by the town, presented in my dispatch of 15th May, a protest from the house of A. de Barwell & Co., French merchants, against the "authorities," was duly deposited on the archives of this agency, and that, on the occasion of the subsequent outrage upon the person of Mr. Borland, a protest of the same tenor was received from the house of H. S. Wood & Son, American merchants at San Juan.

Finding that no intention was manifest on the part of the people of the town to explain, furnish redress, or apologize for their past misconduct, and that all demands and notices served upon them by the United States government were treated with derision and contempt, Commander Hollins prepared his ship for action on the morning of the 13th instant, and opened the bombardment, according to notice, at 9 o'clock, A. M. The report of the engagement, &c., will be found in his dispatches to the Navy Department.

The considerate and generous course of Mr. Joseph N. Scott, agent of the Accessory Transit Company, from the time the proclamation of Commander Hollins was posted until the present moment, is truly worthy of mention. Invitations were extended by him, on the part of the company, to the old and infirm, the women and children, as well as to all who were willing to declare themselves to be friendly disposed towards the United States, to repair on board the river steamers of the Transit Company with their most valuable effects. Two steamers were sent to San Juan for this purpose, the latter on the morning preceding the bombardment, at which time she remained two hours at the wharf; some twelve persons only availed themselves of this kind provision.

In view of the present condition of affairs at San Juan del Norte, which seems to render my further presence at that port inexpedient for the time being, and with the hope of being serviceable to my fellow-citizens by proceeding to the United States with Commander Hollins, I have asked and obtained that officer's permission to remove, with the archives of my agency and personal effects, to his ship, and hope to

have the honor of reporting myself to you at Washington soon after the receipt of this dispatch.

I am, sir, with profound respect, your very ob't serv't,
JOSEPH W. FABENS.

Hon. W. L. MARCY,
Secretary of State of the U. S. of America,
Washington, D. C.

INSTRUCTIONS OF THE NAVY DEPARTMENT.

NAVY DEPARTMENT, *June 12, 1854.*

SIR: Enclosed herewith you will receive a copy of a communication from the Department of State to Joseph W. Fabens, Esq., United States commercial agent at San Juan del Norte, dated 9th of June, 1854.

Very respectfully your obedient servant,
J. C. DOBBIN.

Commander GEORGE N. HOLLINS,
Commanding U. S. ship Cyane, New York.

NAVY DEPARTMENT, *June 10, 1854.*

SIR: The government has recently received intelligence that the interests of our countrymen require the presence of a national vessel at San Juan or Greytown, and from your experience in that region, and confidence in your energy and prudence, and in pursuance of the wishes of the President, the department has concluded to direct that you proceed with the Cyane to that port so soon as she can be fully ready for the cruise.

The property of the American citizens interested in the Accessory Transit Company, it is said, has been unlawfully detained by persons residing in Greytown. Apprehension is felt that further outrages will be committed. Our minister, Mr. Borland, has been treated with rudeness and disrespect.

You will, however, learn from Mr. Fabens, commercial agent at Greytown, more particularly the conduct of those people, and the views of our government, which have been communicated to him from the State Department. You will consult with him freely, and ascertain the true state of the facts. Now, it is very desirable that these people should be taught that the United States will not tolerate these outrages, and that they have the power and the determination to check them. It is, however, very much to be hoped that you can effect the purposes of your visit without a resort to

violence and destruction of property and loss of life. The presence of your vessel will, no doubt, work much good. The department reposes much in your prudence and good sense.

Former dispatches have acquainted you with the peculiar political position of this town, and of the relations of our government to it. You will remain there no longer than you may deem necessary, as it is a warm and unhealthy climate. You will advise the department of your movements, and, after leaving Greytown, you will touch at Pensacola and receive orders from Commodore Newton there if not earlier, as you will constitute a part of his squadron.

I am, respectfully, your obedient servant,

J. C. DOBBIN.

Commander GEORGE N. HOLLINS,
Commanding U. S. ship Cyane, New York.

THE BOMBARDMENT OF GREYTOWN.

Commander Hollins to the Secretary of the Navy.

U. S. SHIP "CYANE,"

*At Anchor, Harbor of San Juan del Norte,
Nicaragua, July 16, 1854.*

SIR: I have the honor to report my arrival at this port on the 11th instant, after a tedious passage of twenty-two days. On the 28th ult., when off the "Bermudas," the "small pox," in its most virulent form, made its appearance on board in the person of one of the crew, who is now in a precarious condition. The usual measures have been taken to prevent, if possible, the extension of the disease, which I hope may prove successful.

Immediately on my arrival I communicated with Mr. Joseph W. Fabens, the representative of the United States at this place, and delivered into his hands the dispatch forwarded through me from the Hon. W. L. Marcy, Secretary of the Department of State, of which I had been honored with a copy. After due consultation with Mr. Fabens, I learned the demand by him made, by order of the State Department, upon the town of San Juan had not only been treated with contempt, but threats of future violence towards American citizens and property were publicly made, if an opportunity should offer. After due deliberation, it was thought expedient to make a final demand upon the inhabitants for an indemnity for injuries sustained by citizens of the United States, and for an apology of a satisfactory char-

acter for the insult recently given to Mr. Borland, our minister to Central America. In accordance with this decision, Mr. Fabens was directed to communicate with the agents of the Transit Company, and determine upon the amount of indemnity commensurate with their losses, and the sum of sixteen thousand [dollars] was agreed upon as the smallest sum admissible under the circumstances, which, with a previous demand already made of eight thousand, made the sum total of twenty-four thousand dollars. From my knowledge of the injuries, &c., sustained, and the future detriment to the company, &c., this sum seemed to be no more than just, and I directed Mr. Fabens to make a last appeal to the people of San Juan, before decisive measures were taken. This was done on the afternoon of the 11th inst., as will be seen in his communication dated 12th instant, [B,] with its contents, in answer to mine [A] of the day preceding.*

As the result of the demand was entirely unsatisfactory in my answer (C) to Mr. Fabens to his communication, I enclosed him a copy of a proclamation (D) to the people of the town, which was posted in the most public places, and perused by all. Shortly after, on the morning of the 12th, as an earnest of my intentions as set forth in the proclamation, at the request of Mr. Fabens, a guard of marines and seamen, under the command of Lieutenants Pickering and Fauntleroy, were ordered on shore to secure the arms and ammunition, as an evident disposition was existing among the people to make an improper use of them, and also to assist and protect Mr. Fabens and others in the removal of their property.

This duty was quickly performed by the officers of the command, and the arms, &c., deposited on Point Arenas in charge of the agent of the Transit Company to await future disposition. At the same time foreigners generally, and those favorable to the United States, were notified that a steamer would be in readiness on the morning of the day of the bombardment, to convey such as were disposed to a place of safety.

Commander and Lieutenant Jolly, of her Britannic Majesty's schooner Bermuda, at anchor in this harbor, was also notified by me, in person, of my intentions on the morrow, and a tender of assistance was made to him for the purpose of removing any property or persons of Great Britain. This offer was met by his communication, (D,) and responded to

* A, B and C are formal notes covering the respective proclamations of the U. S. commercial agent and of Commander Hollins, hereinafter inserted, and marked A*, B*, and D.

as in my letter (E.) Agreeable to promise a steamer was sent to the town at daylight on the morning of the 13th, to assist such as were disposed to take advantage of the opportunity. A few only accepted the proffered assistance, and were conveyed to Point Arenas; the majority of the inhabitants, either from fright, or a wish to set at defiance the threats made against the town, had left, or were willing to remain and risk the consequences. I had hoped the show of determination on the part of the ship would, at this stage of the proceedings, have brought about a satisfactory adjustment of the differences in question, but a total disregard and contempt toward the government of the United States, determined me to execute my threats to the letter.

At 9 A. M., on the morning of the 13th instant, our batteries were opened on the town with shot and shell for three-quarters of an hour, followed by an intermission of the same time, when they were opened again for half an hour, followed by a second intermission of three hours. At the expiration of this interval the firing was recommenced and continued for twenty minutes, when the bombardment ceased. The object of these several intervals in the bombardment was that an opportunity to treat and satisfactorily arrange matters might be furnished the inhabitants of the town. No advantage was taken of the consideration shown them, and at 4 o'clock, P. M. a command under Lieutenants Pickering and Fauntleroy was sent on shore to complete the destruction of the town by fire. The property of Mr. De Barwell, a Frenchman, was directed to be exempted from destruction, if possible, as I had learned he had protested and held himself aloof, as far as possible, against any co-operation with the towns people or pretended authorities of San Juan. The town was thus destroyed for the *greater* part in the short space of two hours. No lives were lost, although an attack was made by an armed party on the command of Lieutenants Pickering and Fauntleroy, but, on the volley being returned, the attacking party fled. The shots were returned more for the purpose of frightening than destroying life, and had the desired effect.

The execution done by our shot and shells amounted to the almost total destruction of the buildings, but it was thought best to make the punishment of such a character as to inculcate a lesson never to be forgotten by those who have for so long a time set at defiance all warnings and satisfy the whole world that the United States have the power and determination to enforce that reparation and respect due them as a government in whatever quarter the outrages may be

committed. The royal mail packet "Dee" arrived in the harbor during the conflagration of the town, but left immediately, taking with her in tow H. B. M. schooner "Bermuda," thus leaving the English subjects referred to in the communication of Commander Jolly without any assistance should it be required. No communication from Commander Jolly of the "Bermuda" was made with the "Cyane" prior to his departure, but I am informed he carried with him a number of the principal participators in the outrages that have been committed by the town of San Juan, and among them the former mayor, a Mr. Martin.

I shall, in accordance with the order of the department, leave this place immediately for Boston direct, being satisfied the department will sanction this course, taking into consideration the application of Mr. Fabens [F,] the present unseaworthy condition of the "Cyane," and the condition of the crew favorable to the development of fever by a protracted stay in a warm climate at this early season of the year.

I have incidentally learned that the remains of Purser Ashman, interred at this place some two years since, have not received that attention a decent respect for the dead would seem to demand, and I [have] therefore taken the liberty to exhume them for transportation to the north, being satisfied the step will be gratifying to the friends of the deceased, and will meet with the approbation of the department.

Permit me to call the attention of the department to the handsome and orderly manner in which the officers and crew of the ship I have the honor to command have executed all orders and duties assigned them during our recent difficulties. None could have done better.

I may also refer to the attention and kindness of the agents of the Transit Company towards the ship and such unfortunates of San Juan as were worthy of their hospitality and kindly offers.

Trusting the course I have pursued in relation to the affairs of this place and my intention of proceeding direct to the north may meet with the unqualified approval of the department, I will bring my communication to a close, respectfully asking orders in company with Mr. Fabens to Washington, on the announcement of the arrival of the ship by telegraph.

I have the honor to be, sir, very respectfully, &c., your most obedient servant,

GEO. N. HOLLINS,
Commander.

[Proclamation and Correspondence enclosed in the foregoing Dispatch.]

A.*

COMMERCIAL AGENCY, U. S. A.

San Juan del Norte, Nicaragua, June 24, 1854.

To those now, or lately pretending to, and exercising authority in San Juan del Norte.

GENTLEMEN: I am instructed by the government of the United States, at Washington, to notify you that the said government will require of the pretended authorities "of the town of San Juan del Norte, restoration of, or payment for, the property brought within the territories over which they assume to exercise authority," as set forth in protest of Mr. Scott, general agent of the Accessory Transit Company, dated May 12, 1854, "and all damages sustained by their outrageous conduct in preventing the said company from re-possessing itself of it."

I do, therefore, hereby demand of you immediate restoration of the aforesaid property. I am not prepared to put an estimate upon it at this moment, or to name the amount of damages suffered by the Transit Company, in consequence of your outrageous conduct towards their agent and employees, while endeavoring to retake possession of the same, and upon subsequent occasions connected therewith. It is expected that for this, as well as for their conduct in other respects towards American citizens, the people of the town will be prepared to afford redress in a satisfactory manner. There is likewise an outstanding claim of the Accessory Transit Company versus the acting authorities of San Juan del Norte, for the sum of eight thousand dollars, as a remuneration for the loss sustained by the company in consequence of the destruction of their building on Point Arenas, in the month of March, 1853, by the said acting authorities, which claim was duly presented by Abraham Banker, agent of said company, on the 25th June, 1853.

I am, gentlemen, your obedient servant,

JOSEPH W. FABENS, *U. S. Commercial Agent.*

—
B.*

COMMERCIAL AGENCY, UNITED STATES OF AMERICA,

San Juan del Norte, Nicaragua, July 11, 1854.

To those now or lately pretending to and exercising authority in and to the people of San Juan del Norte:

GENTLEMEN: On the 24th ultimo, in accordance with the instructions of the government of the United States of America, I notified you that the said government would require of you immediate reparation for the property belonging to the Accessory Transit Company, which was stolen from the said company and received by you, as specified in my letter of that date, as well as for all damages suffered by their agents and employees while endeavoring to repossess themselves of the same. I have now, acting in concert with Commander Hollins, of the United States ship *Cyane*, at present in this harbor, to demand of you immediate payment of the sum of sixteen thousand dollars, which has been adjudged to be the proper sum for you to pay for the said property and the gross outrages perpetrated by you upon the persons of American citizens, as set forth in protests of Mr. Scott, of the 12th May last—copies of which have already been served upon you.

There is likewise a claim of the Accessory Transit Company *versus* the "Acting Authorities of San Juan del Norte," for the sum of eight thousand dollars, as specified in my letter to you of 24th ultimo. This you will be likewise expected to pay forthwith.

For the indignity offered to the United States of America, in the conduct of the authorities and people of this town towards their minister, Mr. Borland, while recently in this place, nothing short of an apology, promptly made, and satisfactory assurances given to Commander Hollins of future good behavior on the part of the said authorities and people towards the United States and her public functionaries who may in future be here, will save the place from the infliction which its late acts justly merit.

Your obedient servant,

JOSEPH W. FABENS, *United States Commercial Agent.*

D.
PROCLAMATION

To all men to whom these presents shall come, or to whom they may concern, greeting :

Know ye that, whereas certain gross outrages have at sundry times been perpetrated by the "authorities" (so called) and people of San Juan del Norte upon the persons and property of American citizens at that place and vicinity; and whereas a serious insult and indignity has been offered to the United States in the conduct of the said authorities and people towards Mr. Borland, United States minister to Central America, for which outrage and insult no indemnity has been given, and no satisfactory reply returned to demands already made:

Now, therefore, I, George N. Hollins, commander of the United States ship-of-war Cyane, by virtue of my instructions from the United States government at Washington, do hereby solemnly proclaim and declare, that if the demands for satisfaction in the matters above named, specified in the letter of Mr. Fabens, United States commercial agent, dated 11th instant, are not forthwith complied with, I shall, at 9 A. M. of to-morrow, 13th instant, proceed to bombard the town of San Juan del Norte aforesaid, to the end that the rights of our country and citizens may be vindicated, and as a guarantee for future protection.

GEORGE N. HOLLINS, *Commander.*

U. S. SHIP CYANE, *Harbor of San Juan del Norte,*
Nicaragua, 9 A. M., July 12, 1854.

—
D.

HER MAJESTY'S SCHOONER BERMUDA,
Greytown, Mosquito, July 12, 1854.

SIR: After due deliberation upon the communication which I this morning had the honor to receive from you alongside her Majesty's schooner under my command, I consider it my duty to enter my most solemn protest against the course you then intimated to me that you intended to pursue towards the city of Greytown.

The inhabitants of this city, as well as the houses and property, are entirely defenceless and quite at your mercy. I do, therefore, notify you that such an act will be without precedent among civilized nations, and I beg to call your attention to the fact that a large amount of property of British subjects, as well as others, which it is my duty to protect, will be destroyed; but the force under my command is so totally inadequate for this protection against the Cyane, I can only enter this my protest.

I have the honor to be, sir, your obedient servant,

W. D. JOLLY,
Lieutenant and Commandant.

Commander HOLLINS,
United States ship-of-war Cyane.

—
E.

UNITED STATES SHIP CYANE,
At anchor, San Juan del Norte, Nicaragua, July 12, 1854.

SIR: I have the honor to acknowledge the receipt of your communication of this date, and sincerely regret you should feel yourself necessitated to protest against the action I am about to take in relation to the city of San Juan del Norte.

The people of San Juan del Norte have seen fit to commit outrages upon the property and persons of citizens of the United States, after a manner only to be regarded as piratical, and I am directed to enforce that reparation demanded by my government. Be assured I sympathize with yourself in the risk of English subjects and property under the circumstances, and regret exceedingly the force under your command is not doubly equal to that of the "Cyane."

I have the honor to be, sir, your obedient servant,

GEO. N. HOLLINS, *Commander.*

To W. D. JOLLY,
Lieutenant and Commander H. B. M. S. Bermuda.

F.

POINT ARENAS, *July 14, 1854.*

SIR: In view of the existing state of affairs at San Juan del Norte, the place of my late official residence, I have the honor to inform you that my further presence at that port is no longer expedient or possible, and would respectfully ask of you permission to remove the archives of my consulate to your ship for safe keeping, and conveyance for myself, my official and personal effects to the United States, that I may co-operate the more fully with yourself in placing our government at Washington in possession of the details of the recent proceedings in this vicinity.

I am, sir, with great respect, your very obedient servant,

JOS. W. FABENS.

United States Commercial Agent.

GEO. N. HOLLINS, Esq., *Commander U. S. Ship Cyane,*
Harbor of San Juan del Norte, Nicaragua.

SPAIN.

MESSAGE FROM THE PRESIDENT.

To the Senate of the United States :

I hasten to respond briefly to the resolution of the Senate of this date, "requesting the President to inform the Senate, if in his opinion it be not incompatible with the public interest, whether any thing has arisen since the date of his message to the House of Representatives, of the fifteenth of March last, concerning our relations with the government of Spain, which, in his opinion, may dispense with the suggestions therein contained touching the propriety of 'provisional measures' by Congress to meet any exigency that may arise in the recess of Congress affecting those relations."

In the message to the House of Representatives referred to, I aimed myself of the occasion to present the following reflections and suggestions :

"In view of the position of the Island of Cuba, its proximity to our coast, the relations which it must ever bear to our commercial and other interests, it is vain to expect that a series of unfriendly acts infringing our commercial rights, and the adoption of a policy threatening the honor and security of these States, can long consist with peaceful relations. In case the measures taken for amicable adjustment of our difficulties with Spain should unfortunately fail, I shall not hesitate to use the authority and means which Congress may grant to insure the observance of our just rights, to obtain redress for injuries received, and to vindicate the honor of our flag. In anticipation of that contingency, which I earnestly hope may not arise, I suggest to Congress the propriety of adopting such provisional measures as the exigency may seem to demand."

The two houses of Congress may have anticipated that the hope then expressed would be realized before the period of its adjournment, and that our relations with Spain would have assumed a satisfactory condition, so as to remove past causes of complaint, and afford better security for tranquillity and justice in the future. But I am constrained to say that such is not the fact. The formal demand for immediate reparation in the case of the "Black Warrior," instead of having been met on the part of Spain by prompt satisfaction,

has only served to call forth a justification of the local authorities of Cuba, and thus to transfer the responsibility for their acts to the Spanish government itself.

Meanwhile, information, not only reliable in its nature, but of an official character, was received, to the effect that preparation was making within the limits of the United States, by private individuals, under military organization, for a descent upon the island of Cuba, with a view to wrest that colony from the dominion of Spain. International comity, the obligations of treaties and the express provisions of law, alike required, in my judgment, that all the constitutional power of the Executive should be exerted to prevent the consummation of such a violation of positive law and of that good faith on which mainly the amicable relations of neighboring nations must depend. In conformity with these convictions of public duty, a proclamation was issued, to warn all persons not to participate in the contemplated enterprise, and to invoke the interposition in this behalf of the proper officers of the government. No provocation whatever can justify private expeditions of hostility against a country at peace with the United States. The power to declare war is vested by the Constitution in Congress, and the experience of our past history leaves no room to doubt that the wisdom of this arrangement of constitutional power will continue to be verified whenever the national interest and honor shall demand a resort to ultimate measures of redress. Pending negotiations by the Executive, and before the action of Congress, individuals could not be permitted to embarrass the operations of the one and usurp the powers of the other of these depositaries of the functions of government.

I have only to add that nothing has arisen since the date of my former message to "dispense with the suggestions therein contained touching the propriety of provisional measures by Congress."

FRANKLIN PIERCE.

WASHINGTON, *August 1, 1854.*

RUSSIA.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND HIS
MAJESTY THE EMPEROR OF RUSSIA.*Signed at Washington 22d July, 1854.*

The United States of America and his Majesty the Emperor of all the Russias, equally animated with a desire to maintain, and to preserve from all harm, the relations of good understanding which have at all times so happily subsisted between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal convention, the principles of the right of neutrals at sea, which they recognise as indispensable conditions of all freedom of navigation and maritime trade. For this purpose, the President of the United States has conferred full powers on William L. Marcy, Secretary of State of the United States; and his Majesty the Emperor of all the Russias has conferred like powers on Mr. Edward de Stoeckl, Counsellor of State, knight of the orders of Ste. Anne, of the 2d class, of St. Stanislas, of the 4th class, and of the Iron Crown of Austria, of the 3d class, his Majesty's chargé d'affaires near the Government of the United States of America: and said plenipotentiaries after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

The two high contracting parties recognise as permanent and immutable the following principles, to wit:

1st. That free ships make free goods—that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them on their part as permanent and immutable.

Les Etats-Unis d'Amérique et sa Majesté l'Empereur de toutes les Russies animés d'un égal desir de maintenir et de préserver de toute atteinte les rapports de bonne intelligence qui ont de tout temps si heureusement subsisté entre eux-mêmes, comme entre les habitants de leurs Etats respectifs, ont résolu d'un commun accord de consacrer, par une convention formelle, les principes du droit des neutres sur mer qu'ils reconnaissent pour conditions indispensables de toute liberté de navigation et de commerce maritime. A cet effet, le Président des Etats-Unis a muni de ses pleins pouvoirs le Sr. William L. Marcy Secrétaire d'Etat des Etats-Unis; et sa Majesté l'Empereur de toutes les Russies a muni des mêmes pouvoirs le Sr. Edward de Stoeckl, Conseiller d'Etat, chevalier des ordres de Ste. Anne de la 2^{me} classe, de St. Stanislas de la 4^{me} classe, et de la Couronne de fer d'Autriche de la 3^{me} classe, chargé d'affaires de sa Majesté près du gouvernement des Etats-Unis d'Amérique: lesquels plenipotentiaires, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les articles suivans:

ARTICLE I.

Les deux hautes parties contractantes reconnaissent comme permanent et immuable le principe qui suit, savoir:

1^o. Que le pavillon couvre la marchandise, (that free ships make free goods,) c'est à dire, que les effets ou marchandises, qui sont la propriété des sujets ou citoyens d'une Puissance ou Etat en guerre, sont exempts de capture ou confiscation sur les vaisseaux neutres, à l'exception des objets contrabande de guerre.

2^o Que la propriété neutre, à bord d'un navire ennemi, n'est pas sujette à confiscation, à moins qu'elles ne soit contrabande de guerre. Elles s'engagent à appliquer ces principes au commerce et à la navigation de toute Puissances et Etats qui voudront les adopter de leur côté comme permanantes et immuables.

ARTICLE II.

The two high contracting parties reserve themselves to come to an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1st article. But they declare from this time that they will take the stipulations contained in said article 1st as a rule, whenever it shall become a question, to judge of the rights of neutrality.

ARTICLE III.

It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

ARTICLE IV.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by his Majesty the Emperor of all the Russias, and the ratifications of the same shall be exchanged at Washington within the period of ten months, counting from this day, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed the present convention, in duplicate, and thereto affixed the seal of their arms.

Done at Washington the twenty-second day of July, the year of Grace 1854.

W. L. MARCY, [L. S.]
EDWARD STOECKL. [L. S.]

ARTICLE II.

Les deux hautes parties contractantes se réservent de s'entendre ultérieurement selon que les circonstances pourront l'exiger sur l'application et l'extension à donner, s'il y a lieu, aux principes convenus à l'article 1. Mais elles déclarent dès à présent qu'elles prendront les stipulations que renferme le dit article 1, pour règle, toutes les fois qu'il s'agira d'apprécier les droits de neutralité.

ARTICLE III.

Il est convenu entre les hautes parties contractantes que toutes les nations qui voudraient consentir à accéder aux règles contenues dans l'article 1^{er} de cette convention par une déclaration formelle stipulant qu'elles s'engagent à les observer, jouiront des droits résultant de cette accession comme les deux Puissances signataires de cette convention jouiront de ces droits et les observeront. Elles se communiqueront réciproquement le résultat des démarches qui seront faites à ce sujet.

ARTICLE IV.

La présente convention sera approuvée et ratifiée par le Président des États-Unis d'Amérique, par et avec l'avis et le consentement du Sénat des dits États, et par sa Majesté l'Empereur de toutes les Russies, et les ratifications, en seront échangées à Washington dans l'espace de dix mois, à compter de ce jour, ou plus tôt, si faire se peut.

En foi de quoi les plenipotentiaries respectifs ont signé la présente convention, en duplicata, et y ont apposé le cachet de leurs armes.

Fait à Washington, le vingt-deuxième de Juillet, l'an de Grace 1854.

W. L. MARCY, [L. S.]
EDWARD STOECKL. [L. S.]

MEXICO.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE MEXICAN REPUBLIC.

Dated at the City of Mexico, 30th December, 1853.—Ratified by the President U. S. 29th June, 1854.—Exchanged at Washington, 30th June, 1854.—Proclaimed by the President U. S. 30th June, 1854.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

WHEREAS, a treaty between the United States of America and the Mexican Republic, was concluded and signed at the city of Mexico, on the thirtieth day of December, one thousand eight hundred and fifty-three: which treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is word for word as follows:

IN THE NAME OF ALMIGHTY GOD:

The Republic of Mexico and the United States of America, desiring to remove every cause of disagreement which might interfere in any manner with the better friendship and intercourse between the two countries, and especially in respect to the true limits which should be established, when, notwithstanding what was covenanted in the treaty of Guadalupe Hidalgo, in the year 1848, opposite interpretations have been urged, which might give occasion to questions of serious moment: to avoid these, and to strengthen and more firmly maintain the peace which happily prevails between the two republics, the President of the United States has, for this purpose, appointed James Gadsden, Envoy Extraordinary and Minister Plenipotentiary of the same, near the Mexican government, and the President of Mexico has appointed as Plenipotentiary "*ad hoc*" his excellency Don Manuel Díez de Bonilla, cavalier grand cross of the national and distinguished order of Guadalupe, and Secretary of State, and of the office of Foreign Relations, and Don José Salazar Ylarregui and General Mariano Monterde, as scientific commissioners, invested with full powers for this negotiation, who, having communicated their respective full powers, and finding them in due and proper form, have agreed upon the articles following:

ARTICLE I.

The Mexican Republic agrees to designate the following as her true limits with the United States for the future: retaining the same dividing line between the two Californias as already defined

EN EL NOMBRE DE DIOS TODOPODEROSO:

La República de México y los Estados Unidos de América, deseando remover toda causa de desacuerdo que pudiera influir en algun modo en contra de la mejor amistad y correspondencia entre ambos países, y especialmente por lo respectivo á los verdaderos límites que deben fijarse, cuando no obstante lo pactado en el tratado de Guadalupe Hidalgo en el año de 1848, aún se han suscitado algunas interpretaciones encontradas que pudieran ser ocasion de cuestiones de grave trascendencia, para evitarlas, y afirmar y corroborar mas la paz que felizmente reina entre ambas repúblicas, el Presidente del México ha nombrado á este fin con el carácter de plenipotenciario *ad hoc* al Exmo. Sr. D. Manuel Díez de Bonilla, caballero gran cruz de la nacional y distinguida orden de Guadalupe, y Secretario de Estado y del Despacho de Relaciones Exteriores, y á los Señores D. José Salazar Ylarregui y General D. Mariano Monterde, como comisarios peritos investidos con plenos poderes para esta negociacion, y el Presidente de los Estados Unidos á S. E. el Sr. Santiago Gadsden, Enviado Extraordinario y Ministro Plenipotenciario de los mismos Estados Unidos cerca del gobierno Mexicano; quienes habiéndose comunicado sus respectivos plenos poderes, y halládoslos en buena y debida forma, han convenido en los artículos siguientes:

ARTICULO I.

La República Mexicana conviene en señalar para lo sucesivo como verdaderos límites con los Estados Unidos los siguientes: Subsistiendo la misma línea divisoria entre las dos Californias, tal cual

and established, according to the 5th article of the treaty of Guadalupe Hidalgo, the limits between the two republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the 5th article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31° 47' north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of 31° 20' north latitude; thence along the said parallel of 31° 20' to the 111th meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado river twenty English miles below the junction of the Gila and Colorado rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

For the performance of this portion of the treaty, each of the two governments shall nominate one commissioner, to the end that, by common consent, the two thus nominated, having met in the city of Paso del Norte, three months after the exchange of the ratifications of this treaty, may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the mixed commission, according to the treaty of Guadalupe, keeping a journal and making proper plans of their operations. For this purpose, if they should judge it necessary, the contracting parties shall be at liberty, each to unite to its respective commissioner, scientific or other assistants, such as astronomers and surveyors, whose concurrence shall not be considered necessary for the settlement and ratification of a true line of division between the two republics; that line shall be alone established upon which the commissioners may fix, their consent in this particular being considered decisive and an integral part of this treaty, without necessity of ulterior ratification or approval, and without room for interpretation of any kind by either of the parties contracting.

The dividing line thus established shall, in all time, be faithfully respected by the two governments, without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the law of nations, and in accordance with the constitution of each country respectively.

está ya definida y marcada conforme al artículo quinto del tratado de Guadalupe Hidalgo, los límites entre las dos repúblicas serán los que siguen: Comenzando en el golfo de México á tres leguas de distancia de la costa, frente á la desembocadura del Rio Grande, como se estipuló en el artículo quinto del tratado de Guadalupe Hidalgo; de allí, según se fija en dicho artículo, hasta la mitad de aquel río al punto donde la paralela de 31° 47' de latitud norte atraviesa el mismo río; de allí, cien millas en línea recta al oeste; de allí, al sur á la paralela del 31° 20' de latitud norte; de allí, siguiendo la dicha paralela de 31° 29' hasta el 111 del meridiano de longitud oeste de Greenwich; de allí, en línea recta á un punto en el río Colorado, veinte millas inglesas abajo de la union de los ríos Gila y Colorado; de allí, por la mitad del dicho río Colorado, río arriba, hasta donde encuentra la actual línea divisoria entre los Estados Unidos y México. Para la ejecución de esta parte del tratado, cada uno de los gobiernos nombrará un comisario, á fin de que por comun acuerdo los dos así nombra dos, que se reunirán en la ciudad del Paso del Norte, tres meses después del cange de las ratificaciones de este tratado, procedan á recorrer y demarcar sobre el terreno la línea divisoria estipulada por este artículo, en lo que no estuviere ya reconocida y establecida por la comision mixta según el tratado de Guadalupe, llevando al efecto diarios de sus procedimientos, y levantando los planos convenientes. A este efecto, si lo juzgaren necesario las partes contratantes, podrán añadir á su respectivo comisario alguno ó algunos auxiliares, bien facultativos ó no, como agrimensores, astrónomos, &c.; pero sin que por esto su concurrencia se considere necesaria para la fijacion y ratificacion como verdadera línea divisoria entre ambas repúblicas; pues dicha línea solo será establecida por lo que convengan los comisarios, reputándose su conformidad en este punto como decisiva parte integrante de este tratado, sin necesidad de ulterior ratificacion ó aprobacion, y sin lugar á interpretacion de ningun género por cualquiera de las dos partes contratantes.

La línea divisoria establecida de este modo, será en todo tiempo fielmente respetada por los dos gobiernos, sin permitirse ninguna variacion en ella, sino es de expreso y libre consentimiento de los dos, otorgado de conformidad con los principios del derecho de gentes, y con arreglo á la constitucion de cada país respectivamente. En consecuencia, lo es-

In consequence, the stipulation in the 5th article of the treaty of Guadalupe upon the boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

ARTICLE II.

The government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo; and the said article and the thirty-third article of the treaty of amity, commerce, and navigation between the United States of America and the United Mexican States, concluded at Mexico, on the fifth day of April, 1831, are hereby abrogated.

ARTICLE III.

In consideration of the foregoing stipulations, the government of the United States agrees to pay to the government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

ARTICLE IV.

The provisions of the 6th and 7th articles of the treaty of Guadalupe Hidalgo having been rendered nugatory, for the most part, by the cession of territory granted in the first article of this treaty, the said articles are hereby abrogated and annulled, and the provisions as herein expressed substituted therefor. The vessels and citizens of the United States shall, in all time, have free and uninterrupted passage through the gulf of California, to and from their possessions situated north of the boundary line of the two countries. It being understood that this passage is to be by navigating the gulf of California and the river Colorado, and not by land, without the express consent of the Mexican government; and precisely the same provisions, stipulations, and restrictions, in all respects, are hereby agreed upon and adopted, and shall be scrupulously observed and enforced by the two contracting governments in reference to the Rio Colorado, so far and for such dis-

tipulado en el artículo quinto del tratado de Guadalupe sobre la línea divisoria en él descrita, queda sin valor en lo que repugne con la establecida aquí; dándose por lo mismo por derogada y anulada dicha línea en la parte en que no es conforme con la presente, así como permanecerá en todo su vigor en la parte en que tuviere dicha conformidad con ella.

ARTICULO II.

El gobierno de México por este artículo exime al de los Estados Unidos de las obligaciones del artículo 11 del tratado de Guadalupe Hidalgo, y dicho artículo, y el 33 del tratado de amistad comercio y navegacion entre los Estados Unidos Mexicanos y los Estados Unidos de America, y concluido en México el día 5 de Abril de 1831, quedan por este derogados.

ARTICULO III.

En consideracion á las anteriores estipulaciones el gobierno de los Estados Unidos conviene en pagar al gobierno de México, en la ciudad de Nueva York, la suma de diez millones de pesos, de los cuales, siete millones se pagaran luego que se verifique el cange de las ratificaciones de este tratado, y los tres millones restantes tan pronto como se reconozca, marque y fijé la línea divisoria.

ARTICULO IV.

Habiendose hecho en su mayor parte nugatorias las estipulaciones de los artículos sexto y séptimo del tratado de Guadalupe Hidalgo por la cession de territorio hecha en el artículo primero de este tratado, aquellos dichos artículos quehan por este derogados y anulados, y las estipulaciones que á continuacion se espresan, substituidas en lugar de aquellas. Los buques y ciudadanos de los Estados Unidos tendrán en todo tiempo libre y no interrumpido tránsito per el golfo de California para sus posesiones y desne sus posesiones sitas al norte de la línea divisoria de los dos países; entendiendose que ese tránsito se ha de hacer navegando por el golfo de California y per el rio Colorado, y no por tierra, sin expreso consentimiento del gobierno Mexicano. Y precisamente, y hajo todos respectos, las mismas disposiciones, estipulaciones y restricciones queden convenidas y adoptadas por este artículo, y serán escrupulosamente observadas y bechat efectivas por los dos gobiernos

tance as the middle of that river is made their common boundary line by the first article of this treaty.

The several provisions, stipulations, and restrictions contained in the 7th article of the treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte, below the initial of the said boundary provided in the first article of this treaty: that is to say, below the intersection of the 31° 47' 30'' parallel of latitude, with the boundary line established by the late treaty dividing said river from its mouth upwards, according to the 5th article of the treaty of Guadalupe.

ARTICLE V.

All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the treaty of Guadalupe Hidalgo, shall apply to the territory ceded by the Mexican republic in the first article of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth.

ARTICLE VI.

No grants of land within the territory ceded by the first article of this treaty bearing date subsequent to the day—twenty-fifth of September—when the minister and subscriber to this treaty on the part of the United States proposed to the government of Mexico to terminate the question of boundary, will be considered valid or be recognised by the United States, or will any grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico.

ARTICLE VII.

Should there at any future period (which God forbid) occur any disagreement between the two nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference; and should they still in this manner not succeed, never will they proceed to a declaration of war, without having previously paid attention to what has been set forth in article twenty-one of the treaty of Guadalupe for similar

contratantes, con referencia al rio Colorado por tal distancia, y en tanto que la mediania de ese rio queda como su linea divisoria comun por el articulo primero de este tratado. Las diversas disposiciones, estipulaciones y restricciones contenidas en el articulo séptimo del tratado de Guadalupe Hidalgo, solo permanecerán en vigor en lo relativo al Rio Bravo del Norte abajo del punto inicial de dicho limite estipulado en el articulo primero de este tratado; es decir, abajo de la interseccion del paralelo de 31° 47' 30'' de latitud con la linea divisoria establecida por el reciente tratado que divide dicho rio desde su embocadura arriba de conformidad con el artículo quinto del tratado de Guadalupe.

ARTICULO V.

Todas las estipulaciones de los artículos, octavo, noveno, décimosexto y décimo séptimo del Tratado de Guadalupe Hidalgo, se aplicarán al territorio cedido por la República Mexicana en el artículo primero del presente tratado, y á todos los derechos de persona y bienes, tanto civiles como eclesiásticos, que se encuentren dentro de dicho territorio, tan plena y tan eficazmente como si dichos artículos de nuevo se insertaran é incluyeran á la letra en este.

ARTICULO VI.

No se considerarán válidas, ni se reconocerán por los Estados Unidos ningunas concesiones de tierras en el territorio cedido por el artículo primero de este tratado, de fecha subsecuente al día veinte y cinco de Septiembre en que el ministro y signatario de este tratado por parte de los Estados Unidos propuso al Gobierno de México dirimir la cuestion de limites; ni tampoco se respetarán, ni considerarán como obligatorias ningunas concesiones hechas con anterioridad que no hayan sido inscritas y debidamente registradas en los archivos de México.

ARTICULO VII.

Si en lo futuro (que Dios no permita) se suscitare algun desacuerdo entre las dos naciones, que pudiera llevarlas á un rompimiento en sus relaciones y paz reciproca, se comprometen asi mismo á procurar por todos los medios posibles el allanamiento de cualquiera diferencia; y si aun de esta manera no se consiguiere, jamás se llegará á una declaracion de guerra sin haber observado previamente cuanto en el artículo veintiuno del tratado de Guadalupe quedó establecido para semejantes casos, y cuyo articulo se

cases; which article, as well as the twenty-second, is here reaffirmed.

ARTICLE VIII.

The Mexican government having on the 5th of February, 1853, authorized the early construction of a plank and railroad across the isthmus of Tehuantepec, and to secure the stable benefits of said transit way to the persons and merchandise of the citizens of Mexico and the United States, it is stipulated that neither government will interpose any obstacle to the transit of persons and merchandise of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States government and its citizens, which may be intended for transit, and not for distribution on the isthmus, free of custom-house or other charges by the Mexican government. Neither passports nor letters of security will be required of persons crossing the isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

The two governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

The Mexican government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

ARTICLE IX.

This treaty shall be ratified, and the respective ratifications shall be exchanged at the city of Washington within the

dá por reafirmado en este tratado, así como el veintidos.

ARTICULO VIII.

Habiendo autorizado el gobierno Mexicano en 5 de Febrero de 1853, la pronta construccion de un camino de madera y de un ferro carril en el istmo de Tehuantepec, para asegurar de una manera estable los beneficios de dicha via de comunicacion á las personas y mercancías de los ciudadanos de México y de los Estados Unidos, se estipula que ninguno de los dos gobiernos pondrá obstaculo alguno al transito de personas y mercancías de ambas naciones y que en ningun tiempo se impondrán cargas por el transito de personas y propiedades de ciudadanos de los Estados Unidos mayores que las que se impongan á las personas y propiedades de otras naciones extranjeras; ni ningun interes en dicha via de comunicacion ó en sus productos, se transferirá á un gobierno extranjero.

Los Estados Unidos tendrán derecho de transportar por el istmo por medio de sus agentes y en balijas cerradas, las malas de los Estados Unidos que no han de distribuirse en la extension de la linea de comunicacion, y tambien los efectos del Gobierno de los Estados Unidos y sus ciudadanos que solo vayan de transito y no para distribuirse en el istmo estarán libres de los derechos de aduana ú otros, impuestos por el gobierno Mexicano. No se exigirá á las personas que atraviesen el istmo y no permanezcan en el pais, pasaportes ni cartas de seguridad.

Cuando se concluya la construccion del ferro carril, el Gobierno Mexicano oconviene en abrir un puerto de entrada, ademas del de Veracruz, en donde termina dicho ferro carril en el Golfo de Mexico ó cerca de ese punto.

Los dos gobiernos celebrarán un arreglo para el pronto transito de tropas y municiones de los Estados Unidos, que este gobierno tenga ocasion de enviar de una parte de su territorio á otra, situadas en lados opuestos del continente.

Habiendo convenido el Gobierno Mexicano en proteger con todo su poder la construccion, conservacion y seguridad de la obra, los Estados Unidos de su parte podrán impartirle su proteccion siempre que fuere apoyado y arreglado al derecho de gentes.

ARTICULO IX.

Este tratado será ratificado, y las ratificaciones respectivas cangeadas en la Ciudad de Washington, en el preciso tér-

exact period of six months from the date of its signature, or sooner, if possible.

In testimony whereof, we, the plenipotentiaries of the contracting parties, have hereunto affixed our hands and seals at Mexico, the thirtieth (30th) day of December, in the year of our Lord one thousand eight hundred and fifty-three, in the thirty-third year of the independence of the Mexican republic, and the seventy-eighth of that of the United States.

JAMES GADSDEN, [L. s.]
MANUEL DIEZ DE BONILLA, [L. s.]
JOSE SALAZAR YLARREGUI, [L. s.]
J. MARIANO MONTERDE, [L. s.]

mino de seis meses, ó antes si fuere posible, contado ese término desde su fecha.

En fé de lo cual, nosotros los Plenipotenciarios de las partes contratantes lo hemos firmado y sellado en México, el día treinta de Diciembre del año de nuestro Señor mil, ochocientos, cincuenta y tres, trigésimo tercero de la independencia, de la república Mexicana, y septuagésimo octavo de la de los Estados Unidos.

MANUEL DIEZ DE BONILLA, [L. s.]
J. MARIANO MONTERDE, [L. s.]
JOSE SALAZAR YLARREGUI, [L. s.]
JAMES GADSDEN, [L. s.]

And whereas the said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same have this day been exchanged at Washington, by William L. Marcy, Secretary of State of the United States, and Señor General Don Juan N. Almonte, Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic, on the part of their respective governments:

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this thirtieth day of June, in the year [SEAL.] of our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-eighth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

GREAT BRITAIN.

RECIPROCITY TREATY BETWEEN THE UNITED STATES OF AMERICA AND HER BRITANNIC MAJESTY.

Concluded 5th June, 1854; ratified by the United States 9th August, 1854; exchanged 9th September, 1854; and proclaimed 11th September, 1854.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a treaty between the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, was concluded and signed by their respective plenipotentiaries at Washington on the 5th day of June last, which treaty is, word for word, as follows:

The government of the United States being equally desirous with her Majesty the Queen of Great Britain to avoid further misunderstanding between their respective citizens and subjects in regard to the extent of the right of fishing on the coasts of British North America, secured to each by article 1 of a convention between the United States and Great Britain, signed at London on the 20th day of October, 1818: and being also desirous to regulate the commerce and navigation between their respective territories and people, and more especially between

her Majesty's possessions in North America and the United States, in such manner as to render the same reciprocally beneficial and satisfactory, have, respectively, named plenipotentiaries to confer and agree thereupon—that is to say, the President of the United States of America, William L. Marcy, Secretary of State of the United States, and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, James, Earl of Elgin and Kincardine, Lord Bruce and Elgin, a peer of the United Kingdom, Knight of the most ancient and most noble Order of the Thistle, and governor general in and over all her Britannic Majesty's provinces on the continent of North America, and in and over the island of Prince Edward, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1. It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the above-mentioned convention of October 20, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coasts and shores of those colonies and the islands thereof, and also upon the Magdalen islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coast in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all fisheries in rivers and the mouths of rivers, are hereby reserved, exclusively, for British fishermen.

And it is further agreed, that in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen, contained in this article, and that of fishermen of the United States, contained in the next succeeding article, apply, each of the high contracting parties, on the application of either to the other, shall, within six months thereafter, appoint a commissioner. The said commissioners, before proceeding to any business, shall make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such places, as are intended to be reserved and excluded from the common liberty of fishing under this and the next succeeding article, and such declaration shall be entered on the record of their proceedings.

The commissioners shall name some third person to act as an arbitrator or umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the arbitrator or umpire in cases of difference or disagreement between the commissioners. The person so to be chosen to be arbitrator or umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of either of the commissioners, or of the arbitrator or umpire, or of their or his omitting, declining, or ceasing to act as such commissioner, arbitrator, or umpire, another and different person shall be appointed or named as aforesaid to act as such commissioner, arbitrator, or umpire, in the place and stead of the person so originally appointed or named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Such commissioners shall proceed to examine the coasts of the North American provinces and of the United States embraced within the provisions of the first and second articles of this treaty, and shall designate the places reserved by the said articles from the common right of fishing therein.

The decision of the commissioners and of the arbitrator or umpire shall be given in writing in each case, and shall be signed by them respectively.

The high contracting parties hereby solemnly engage to consider the decision

of the commissioners conjointly, or of the arbitrator or umpire, as the case may be, as absolutely final and conclusive in each case decided upon by them or him respectively.

ARTICLE 2. It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the 36th parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE 3. It is agreed that the articles enumerated in the schedule hereunto annexed, being the growth and produce of the aforesaid British colonies or of the United States, shall be admitted into each country respectively free of duty:

SCHEDULE.

Grain, flour, and breadstuffs, of all kinds; animals of all kinds; fresh, smoked, and salted meats; cotton-wool, seeds, and vegetables; undried fruits, dried fruits; fish of all kinds; products of fish, and of all other creatures living in the water; poultry, eggs; hides, furs, skins, or tails, undressed; stone or marble, in its crude or unwrought state; slate; butter, cheese, tallow; lard, horns, manures; ores of metals, of all kinds; coal; pitch, tar, turpentine, ashes; timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part; firewood; plants, shrubs, and trees; pelts, wool; fish oil; rice, broom-corn, and bark; gypsum, ground or unground; hewn, or wrought, or unwrought burr or grindstones; dye-stuffs; flax, hemp, and tow, unmanufactured; unmanufactured tobacco; rags.

ARTICLE 4. It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the river St. Lawrence, and the canals in Canada used as the means of communicating between the great lakes and the Atlantic ocean, with their vessels, boats, and crafts, as fully and freely as the subjects of her Britannic Majesty, subject only to the same tolls and other assessments as now are, or may hereafter be, exacted of her Majesty's said subjects: it being understood, however, that the British government retains the right of suspending this privilege on giving due notice thereof to the government of the United States.

It is further agreed, that if at any time the British government should exercise the said reserved right, the government of the United States shall have the right of suspending, if it think fit, the operation of article 3 of the present treaty, in so far as the province of Canada is affected thereby, for so long as the suspension of the free navigation of the river St. Lawrence or the canals may continue.

It is further agreed that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts, so long as the privilege of navigating the river St. Lawrence, secured to American citizens by the above clause of the present article, shall continue; and the government of the United States further engages to urge upon the State governments to secure to the subjects of her Britannic Majesty the use of the several State canals, on terms of equality with the inhabitants of the United States.

And it is further agreed, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick.

ARTICLE 5. The present treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain and by the Provincial Parliaments of those of the British North American colonies which are affected by this treaty on the one hand, and by the Congress of the United States on the other. Such assent having been given, the treaty

shall remain in force for ten years from the date at which it may come into operation, and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of ten years, or at any time afterwards.

It is clearly understood, however, that this stipulation is not intended to affect the reservation made by article 4 of the present treaty, with regard to the right of temporarily suspending the operation of articles 3 and 4 thereof.

ARTICLE 6. And it is hereby further agreed, that the provisions and stipulations of the foregoing articles shall extend to the island of Newfoundland, so far as they are applicable to that colony. But if the Imperial Parliament, the Provincial Parliament of Newfoundland, or the Congress of the United States, shall not embrace in their laws, enacted for carrying this treaty into effect, the colony of Newfoundland, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair the remaining articles of this treaty.

ARTICLE 7. The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in triplicate, at Washington, the fifth day of June, Anno Domini one thousand eight hundred and fifty-four.

W. L. MARCY. [L. S.]
ELGIN AND KINCARDINE. [L. S.]

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged in this city on the 9th instant, by William L. Marcy, Secretary of State of the United States, and John F. Crampton, Esq., her Britannic Majesty's envoy extraordinary and minister plenipotentiary to this government, on the part of their respective governments:

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this eleventh day of September, in the [SEAL.] year of our Lord one thousand eight hundred and fifty-four, and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

APPENDIX.

II.—THE TREASURY.

STATEMENTS, TABLES AND ABSTRACTS OF DOCUMENTS ANNEXED TO THE REPORT ON FINANCES.

No. 1.

Statement of Duties, Revenues, and Public Expenditures, during the fiscal year ending June 30, 1854, agreeably to warrants issued, exclusive of trust funds and Treasury notes funded.

RECEIPTS.

The receipts into the treasury during the fiscal year ending June 30, 1854, were as follows:

From customs, viz:

During the quarter ending September 30, 1853	\$19,718,822 00	
During the quarter ending December 31, 1853..	13,587,821 27	
During the quarter ending March 31, 1854.....	16,896,724 83	
During the quarter ending June 30, 1854.....	14,020,822 17	
		<u>\$64,224,190 27</u>

From sales of public lands, viz:

During the quarter ending September 30, 1853.	1,489,562 05	
During the quarter ending December 31, 1853..	2,223,076 39	
During the quarter ending March 31, 1854.....	2,012,908 36	
During the quarter ending June 30, 1854.....	2,745,251 59	
		<u>8,470,798 39</u>

From miscellaneous and incidental sources.....		<u>854,716 54</u>
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Total receipts.....	73,549,705 20
Balance in the treasury July 1, 1853.....	<u>21,942,892 56</u>

Total means.....	<u><u>95,492,597 76</u></u>
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EXPENDITURES.

The expenditures for the fiscal year ending June 30, 1854, exclusive of trust funds and treasury notes funded, were as follows:

CIVIL.

Legislative, including books.....	\$1,656,102 47
Executive.....	1,683,154 09
Judiciary.....	886,386 37
Governments in the Territories of the U. States...	186,110 86
Surveyors and their clerks, &c.....	134,581 95
Officers of the mint and branches.....	73,675 00
Commissioner of Public Buildings, and clerk.....	2,750 00
Secretary to sign patents for public lands.....	1,500 00
Assistant treasurers, and their clerks.....	25,124 24

Total civil.....	<u>4,649,384 98</u>
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FOREIGN INTERCOURSE.

Salaries, outfits, and return allowances of ministers and chargés des affaires.....	257,035 46
Salary, outfit, and return allowance of minister resident to Turkey.....	12,000 00
Salaries of secretaries of legation.....	15,125 76

Salary and outfit of commissioner to reside in China.....	\$11,454 61
Commissioner to the Sandwich Islands.....	12,824 14
Dragoman and assistant dragoman to Turkey.....	5,821 96
Secretary and interpreter to Chinese mission.....	2,250 00
Contingent expenses of all the missions abroad...	82,863 08
Contingent expenses of foreign intercourse.....	59,757 48
Salary of consul at London.....	1,000 00
Clerk-hire and office-rent of consul at London....	4,309 25
Clerk to legation to London.....	800 00
Salary of consul at Alexandria.....	3,750 00
Salary of consul at Beyrout.....	125 00
Salaries of consuls at Kwang-Chow, &c., China...	15,840 90
Office-rent of consul at Basle, Switzerland.....	117 00
Relief and protection of American seaman.....	131,164 77
Intercourse with the Barbary powers.....	17,271 77
Interpreters, guards, and other expenses of the consulates in the Turkish dominions.....	4,492 02
Compensation for certain diplomatic services.....	6,895 53
Payment in relation to certain French seamen killed or wounded at Toulon, and their families..	1,000 00
Awards under 15th article of treaty between the United States and Mexico, of February 2, 1848..	10,000 00
To enable the President to conclude a treaty of peace with Mexico.....	64,361 76
Contingent expenses of the late board of commissioners under treaty with Mexico.....	4,416 64
To fulfil 3d article of treaty between the United States and Mexico, of December 13, 1853.....	7,000,000 00
Expenses acknowledging services of masters and crews of foreign vessels in rescuing American citizens, &c.....	2,000 00
Total foreign intercourse.....	\$7,726,677 13

MISCELLANEOUS.

Mint establishment.....	294,900 35
Establishing branch mint at San Francisco, California.....	298,399 59
Establishing an assay office in New York.....	81,214 79
Compensation of half per centum to each designated depository.....	16,090 34
Contingent expenses under act for collecting, &c., public revenue.....	23,766 63
Compensation to special agents to examine books, &c., in the several depositories.....	2,249 60
Expenses incident to loans and treasury notes....	2,916 84
Survey of the coast of the United States.....	186,000 00
Survey of the western coast of the United States..	150,000 00
Survey of Florida reefs and keys.....	30,000 00
Repairs of vessels employed on coast survey.....	10,000 00
Results and accounts of the exploring expedition..	28,000 00
Fuel and quarters of officers of the army serving on the coast survey.....	10,000 00
Documentary History of the United States, 5th series.....	25,435 00
To purchase 250 copies of the Statutes at Large and Synoptical Index.....	8,750 00
Expenses of codifying and revising revenue laws..	4,156 40
Erection of public buildings and penitentiary in Oregon Territory.....	40,000 00
Public buildings in Minnesota Territory.....	18,982 55

Library to be kept at seat of government of Washington Territory.....	\$1,000 00
Expenses incurred by provisional government of Oregon, in defending the people of the Territory from the Cayuse Indians.....	15,674 12
Payment for suppressing Indian disturbances in Minnesota Territory.....	670 21
Payment on account of Cherokee Indians in North Carolina, per 4th section act July 29, 1848.....	5,566 69
Relief of the several corporate cities of the District of Columbia.....	31,681 04
Payment of horses and other property lost or destroyed in the military service of the United States.....	1,044 44
Claims not otherwise provided for.....	9,059 63
Purchase, &c., of land near city of Mexico for a cemetery.....	1,000 00
To aid the directors of the Washington infirmary to enlarge their accommodations for sick transient paupers.....	20,000 00
Colossal statue of Washington.....	20,000 00
Equestrian statue of Jackson.....	20,000 00
Freight and transportation of group of statuary.....	7,000 00
Printing obituary notices of the deceased Gen. Taylor.....	3,893 12
Salaries of nine superintending and fifty local inspectors, with travelling and other expenses.....	82,341 44
Expenses of the Smithsonian Institution, per act August 10, 1846.....	30,910 14
To supply a deficiency in the revenues of the Post Office Department, per acts of March 3, 1853, and May 31, 1854.....	671,695 63
To supply any deficiency in the revenues of the Post Office Department, for the year ending June 30, 1854.....	1,800,000 00
For mail services performed for the several departments of government, per 12th section act 3d March, 1847.....	200,000 00
For further compensation to the Post Office Department for the mail service performed for the two houses of Congress, per act March 3, 1851..	500,000 00
For a tri-monthly mail by steam vessels between New Orleans and Vera Cruz.....	35,650 00
Per centage on salaries of officers attached to coast survey.....	1,527 98
Consular receipts.....	377 04
Expenses of collecting revenue from customs....	2,705,907 76
Repayments to importers of excess of deposits for unascertained duties.....	1,025,349 70
Debentures or drawbacks, bounties or allowances..	488,485 56
Refunding duties on foreign merchandise imported.	29,948 70
Debentures and other charges.....	137,211 59
Construction and equipment of not less than six revenue cutters.....	58,623 76
Salaries of special examiners of drugs and medicines.....	8,459 48
Salaries of deputy surveyors of Boston, New York, &c.....	831 50
Additional compensation to collectors, naval officers, &c.....	17,325 31
Additional compensation to officers and men of the revenue service who served in the Pacific ocean and on the coasts of California and Mexico.	5,557 27

Fuel and quarters for officers of the army serving on light-house duty.....	\$3,303 01
Support and maintenance of light-houses, &c....	758,354 29
Building light-houses, &c.....	556,098 08
Marine hospital establishment.....	292,825 69
Building marine hospitals, &c.....	183,874 14
Building custom-houses, &c.....	660,560 17
Life-boats, and other means of rendering assistance to wrecked mariners and others, on the coast of the United States.....	11,116 13
Expenses of collecting revenue from sales of public lands.....	281,280 76
Surveys of public lands.....	351,390 87
Survey of mineral lands.....	7,016 27
Continuing survey of islands on the coast of California.....	30,000 00
Continuing survey of keys on the Florida coast.	20,000 00
Running and marking the northern boundary of Iowa.....	2,553 08
Repayments for lands erroneously sold.....	39,946 65
Refunding moneys where certain lands have been entered in Greensburg district, La.....	303 83
Distribution of the proceeds of the sales of public lands.....	14,088 14
Debentures and other charges, (lands).....	913 98
Services heretofore performed by registers and receivers of land offices.....	4,806 58
Payment of war bounty land certificates.....	2,592 02
Patent fund.....	143,319 40
Collecting agricultural statistics.....	1,000 00
Salaries and incidental expenses of commissioners for settling land claims in California.....	114,520 74
Expenses of taking the Seventh Census.....	10,184 00
Public buildings, grounds, &c., in the city of Washington.....	169,747 94
East and west wings of the Patent Office building.	194,834 63
Compensation of public gardener, gate-keepers, laborers, &c.....	11,463 04
Compensation and contingent expenses of the Auxiliary Guard.....	12,000 00
Compensation of drawkeepers, &c., of the Potomac bridge.....	1,016 83
Repairs of the Potomac and Eastern Branch bridges.....	17,000 00
Bridge across the Potomac, at the Little Falls ...	19,000 00
Furnishing the President's House.....	24,000 00
Furnishing rooms in new wing of the Patent Office building.....	20,000 00
Completing grades in the city of Washington....	2,200 00
Penitentiary in the District of Columbia.....	8,881 66
Support, &c., of insane paupers in the District of Columbia.....	9,493 53
Support of twelve transient paupers.....	1,000 00
Purchase of site, and erection, &c., of an asylum for the insane in the District of Columbia.....	60,000 00
To pay clerks for services performed in Chickasaw Indian business.....	6,187 50
Wood-cuts purchased by the Commissioner of Patents.....	1,500 00
Two and three per centum to Alabama.....	10,194 67
Two and three per centum to Mississippi.....	1,876 05
Three per centum to Indiana.....	32,372 28
Three per centum to Missouri.....	8,457 63

EXPENDITURES.

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Three per centum to Illinois.....	\$49,252 23
Five per centum to Arkansas.....	3,271 60
Five per centum to Florida.....	1,065 89
Five per centum to Iowa.....	1,697 68
Five per centum to Louisiana.....	2,334 24
Five per centum to Michigan.....	959 51
Relief of sundry individuals.....	201,580 01
Sundry miscellaneous items.....	2,221 38

Total miscellaneous..... \$13,531,310 33

UNDER THE DIRECTION OF THE DEPARTMENT OF THE INTERIOR.

Indian department.....	1,344,876 68
Pensions, military.....	1,147,077 74
Pensions, naval.....	91,016 41
Claims of the State of Virginia.....	296 99
Relief of sundry individuals.....	25,786 97

Total under Department of the Interior..... 2,609,054 79

UNDER THE DIRECTION OF THE WAR DEPARTMENT.

Army proper.....	8,747,541 18
Military academy.....	122,634 68
Fortifications and other works of defence.....	913,284 84
Armories, arsenals, and munitions of war.....	584,113 84
Harbors, rivers, roads, &c.....	956,699 85
Surveys.....	134,237 21
Arming and equipping militia.....	162,992 02
Pay of volunteers, &c.....	19,426 29
Relief of sundry individuals, and miscellaneous..	92,699 57

Total under the War Department..... 11,733,629 48

UNDER THE DIRECTION OF THE NAVY DEPARTMENT.

Pay and subsistence, including medicines, &c.....	3,928,192 42
Increase, repairs, ordnance and equipments.....	2,139,534 67
Contingent expenses.....	566,211 68
Navy-yards.....	948,032 57
Hospitals.....	56,193 31
Magazines.....	3,677 12
Steam mail service.....	1,534,769 14
Relief of sundry individuals, and miscellaneous..	1,229,619 91
Marine corps.....	361,962 06

Total under the Navy Department..... 10,768 192 89

PUBLIC DEBT.

Interest on the public debt, including treasury notes.....	3,071,016 69
Redemption of stock loan of 1842.....	2,813,769 62
Do.....do.....1843.....	1,397,831 35
Do.....do.....1846.....	2,283,435 59
Do.....do.....1847.....	7,899,950 00
Do.....do.....1848.....	2,656,958 20
Redemption of Texan indemnity stock.....	520,000 00
Redemption of debt contracted by the cities of Washington, Georgetown, and Alexandria.....	712,800 00
Premium, &c., on stock redeemed.....	2,901,668 69
Reimbursement of treasury notes, under acts prior to July 22, 1846, paid in specie.....	150 00
Reimbursement of treasury notes, per act of July 22, 1846, paid in specie.....	100 00
	<hr/>
	24,347,680 14

Deduct repayments under heads where there were
no expenditures, or where the amount of re-
payments exceeded the expenditures.....

\$11,299 48

Total public debt..... \$24,336,380 66

Total expenditures..... 75,354,630 26

Balance in the treasury July 1, 1854..... 20,137,967 50

No. 2.

*Receipts and expenditures for the quarter ending September 30, 1854, exclusive of
trust funds.*

RECEIPTS.

From customs.....	\$18,639,798 45
From sales of lands.....	2,731,654 12
From miscellaneous and incidental sources.....	149,850 28
	<u>21,521,302 85</u>

EXPENDITURES.

Civil—miscellaneous and foreign intercourse.....	5,456,081 01
Expenses of collecting revenue from customs.....	683,319 75
Expenses of collecting revenue from lands.....	102,348 55
Interior—pensions.....	\$735,442 74
Indian department.....	1,440,294 39
	<u>2,175,737 13</u>
War—army proper, &c.....	2,972,605 10
fortifications, ordnance, &c.....	394,434 82
	<u>3,367,039 92</u>
Navy.....	2,598,791 69
Redemption of stock, loan of 1842.....	229,500 00
Redemption of stock, loan of 1843.....	25,500 00
Redemption of stock, loan of 1846.....	242,600 00
Redemption of stock, loan of 1847.....	841,450 00
Redemption of stock, loan of 1848.....	172,550 00
Redemption of Texan indemnity stock.....	90,000 00
Redemption of debt contracted by the corporate cities of Washington, Georgetown, and Alex- andria.....	1,200 00
Premium on stock redeemed.....	219,315 50
Interest on the public debt.....	53,897 67
	<u>1,876,613 17</u>
	<u>16,169,330 62</u>

No. 3.

Public Debt of the United States, July 1, 1853.

Loan of 1842.....	\$8,022,277 54
Loan of 1843.....	3,185,531 35
Loan of 1846.....	4,939,539 71
Loan of 1847.....	24,703,650 00
Loan of 1848.....	15,540,050 00
Texan indemnity.....	5,000,000 00
Texan indemnity not issued.....	5,000,000 00

Old funded and unfunded debt.....	\$114,118 54
Treasury notes outstanding.....	115,461 64
Debt of corporate cities of the District of Columbia.....	720,000 00
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	67,340,628 78
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No. 4.

Public Debt of the United States, July 1, 1854.

Loan of 1842.....	\$5,217,420 81
Loan of 1843.....	27,900 00
Loan of 1846.....	2,647,213 26
Loan of 1847.....	16,745,350 00
Loan of 1848.....	12,889,741 80
Texan indemnity.....	4,480,000 00
Texan indemnity not issued.....	5,000,000 00
Old funded and unfunded debt.....	114,118 54
Treasury notes outstanding.....	113,261 64
Debt of the corporate cities of the District of Columbia.....	7,200 00
	<hr/>
	47,242,206 05
	<hr/>

Interest paid during the fiscal year upon the public debt out- standing June 30, 1854.....	*2,717,140 15
Amount of stock redeemed during the fiscal year ending June 30, 1854.....	20,098,422 73
Amount of premium paid on stock redeemed during the year....	2,991,668 69
Amount of interest paid on stock redeemed during the year.....	*353,876 54

No. 5.

Principal, premium, and interest, paid of the public debt, from July 1 to November 20, 1854, and amount outstanding November 20, 1854.

Loan.	Principal.	Premium.	Interest.	Outstanding.
1842.....	\$394,250 00	\$46,720 00	\$7,577 93	\$4,823,170 81
1843.....	25,500 00		637 50	2,400 00
1846.....	379,200 00	11,976 00	6,172 86	2,268,013 26
1847.....	1,035,000 00	177,175 00	18,434 44	15,710,500 00
1848.....	313,150 00	53,009 00	6,951 80	12,576,591 80
Texan indemnity.....	116,000 00	7,680 00	1,614 93	4,364,000 00
Texan indemnity not issued.....				5,000,000 00
Old funded and unfunded debt.....				114,118 54
Treasury notes.....	50 00		4 05	113,061 64
Debt of corporate cities.....	3,600 00		500 00	*3,600 00
	<hr/>	<hr/>	<hr/>	<hr/>
	2,266,750 00	296,560 00	40,893 51	44,975,456 05

No. 6.

The Tonnage of the United States, from 1789 to 1854.

Years.	Registered.	Enrolled and licensed.	Total.
Dec. 31, 1789.....	123,893	77,669	201,562
1790.....	346,254	132,128	274,377
1791.....	363,110	139,036	502,146
1792.....	411,438	153,019	564,457
1793.....	367,734	153,030	520,764
1794.....	438,363	189,755	628,618

* Of this amount \$2,800 is for principal, and the balance for premium and interest.

No. 6—Continued.

Years.	Registered.	Enrolled and licensed.	Total.
Dec. 31, 1795.....	529,471	218,494	747,965
1796.....	576,733	255,166	831,899
1797.....	597,777	299,136	876,913
1798.....	603,376	294,952	898,328
1799.....	662,197	277,212	939,409
1800.....	669,921	302,571	972,492
1801.....	632,907	314,670	947,577
1802.....	560,380	331,724	892,104
1803.....	597,157	352,015	949,172
1804.....	672,530	369,874	1,042,404
1805.....	749,341	391,027	1,140,368
1806.....	808,265	400,451	1,208,716
1807.....	848,307	420,241	1,268,548
1808.....	769,054	473,542	1,242,596
1809.....	910,059	440,222	1,350,281
1810.....	984,269	440,515	1,424,784
1811.....	768,852	463,650	1,232,502
1812.....	760,624	509,373	1,269,997
1813.....	674,853	491,776	1,166,629
1814.....	674,633	484,577	1,159,201
1815.....	854,295	513,833	1,368,128
1816.....	800,760	571,459	1,372,219
1817.....	809,725	590,187	1,399,912
1818.....	606,089	619,096	1,225,185
1819.....	612,930	647,821	1,260,751
1820.....	619,048	661,119	1,280,167
1821.....	619,896	679,062	1,298,958
1822.....	628,150	696,549	1,324,699
1823.....	639,921	696,645	1,336,566
1824.....	669,973	719,190	1,389,163
1825.....	700,788	722,324	1,423,112
1826.....	739,978	796,213	1,534,191
1827.....	747,178	873,438	1,620,608
1828.....	812,613	928,773	1,741,392
1829.....	650,143	610,655	1,260,798
1830.....	576,475	615,301	1,191,776
1831.....	620,453	647,395	1,267,847
1832.....	686,990	752,460	1,439,450
1833.....	750,027	856,124	1,606,151
1834.....	857,438	901,469	1,758,907
Sept. 30, 1835.....	885,821	939,119	1,824,940
1836.....	897,775	984,328	1,882,103
1837.....	810,447	1,086,237	1,896,684
1838.....	822,592	1,173,048	1,995,640
1839.....	834,245	1,262,234	2,096,479
1840.....	899,765	1,280,999	2,180,764
1841.....	945,803	1,184,941	2,130,744
1842.....	975,359	1,117,032	2,092,391
June 30, 1843.....	1,009,305	1,149,298	2,158,603
1844.....	1,068,765	1,211,330	2,280,095
1845.....	1,095,172	1,321,830	2,417,002
1846.....	1,130,286	1,431,798	2,562,084
1847.....	1,241,313	1,597,733	2,839,046
1848.....	1,360,887	1,793,155	3,154,042
1849.....	1,438,942	1,895,074	3,334,016
1850.....	1,585,711	1,949,743	3,535,454
1851.....	1,726,307	2,046,132	3,772,439
1852.....	6,899,448	2,238,992	4,138,440
1853.....	2,103,674.20	2,303,336.23	4,407,010.43
1854.....	233,819.16	2,469,083.47	4,802,902.63

EXPORTS AND IMPORTS.

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No. 7.

Gross value of Exports and Imports from the beginning of the Government to the 30th of June, 1854.

EXPORTS.

Years ending :	Domestic produce.	Foreign merchandise.	Total.	Imports—total.
Sept. 30, 1790.....	\$19,666,000	\$539,156	\$20,205,156	\$23,000,000
1791.....	18,500,000	512,041	19,012,041	29,200,000
1792.....	19,000,000	1,753,098	20,753,098	31,500,000
1793.....	24,000,000	2,109,572	26,109,572	31,100,000
1794.....	26,500,000	6,526,233	33,026,233	34,600,000
1795.....	39,500,000	8,489,472	47,989,472	69,756,268
1796.....	40,764,097	26,300,000	67,064,097	81,436,164
1797.....	29,850,206	27,000,000	56,850,206	75,379,406
1798.....	28,527,097	33,000,000	61,527,097	68,551,700
1799.....	33,142,522	45,523,000	78,665,522	79,069,148
1800.....	31,840,903	39,130,877	70,971,780	91,252,768
1801.....	47,473,204	46,642,721	94,115,925	111,363,511
1802.....	36,708,189	35,774,971	72,483,160	76,333,333
1803.....	42,205,961	13,594,072	55,800,033	64,666,666
1804.....	41,467,477	36,231,597	77,699,074	85,000,000
1805.....	42,387,002	53,179,019	95,566,021	120,600,000
1806.....	41,253,727	60,283,236	101,536,963	129,410,000
1807.....	48,699,592	59,643,558	108,343,150	138,500,000
1808.....	9,433,546	12,997,414	22,430,960	56,990,000
1809.....	31,405,702	20,797,531	52,203,233	59,400,000
1810.....	42,366,675	24,391,295	66,657,970	85,400,000
1811.....	45,294,043	16,022,790	61,316,833	53,400,000
1812.....	30,032,109	8,495,127	38,527,236	77,030,000
1813.....	25,008,132	2,847,865	27,855,997	22,005,000
1814.....	6,782,272	145,169	6,927,441	12,965,000
1815.....	45,974,403	6,583,350	52,557,753	113,041,274
1816.....	64,781,896	17,138,156	81,920,452	147,103,000
1817.....	68,313,500	19,358,069	87,671,560	99,250,000
1818.....	73,854,437	19,426,696	93,281,133	121,750,000
1819.....	50,976,838	19,165,683	70,142,521	87,125,000
1820.....	51,683,640	18,008,029	69,691,669	74,450,000
1821.....	43,671,894	21,302,488	64,974,382	62,585,724
1822.....	49,874,079	22,286,202	72,160,281	83,241,541
1823.....	47,155,408	27,543,622	74,699,030	77,579,267
1824.....	50,649,500	25,337,157	75,986,657	80,549,007
1825.....	66,944,745	32,590,643	99,535,388	96,340,075
1826.....	53,055,710	24,539,612	77,595,322	84,974,477
1827.....	58,921,691	23,403,136	82,324,827	79,484,068
1828.....	50,669,669	21,595,017	72,264,686	88,509,824
1829.....	55,700,193	16,658,478	72,358,671	74,492,527
1830.....	59,462,029	14,387,479	73,849,508	70,876,920
1831.....	61,277,057	20,033,526	81,310,583	103,191,124
1832.....	63,137,470	24,039,473	87,176,943	101,029,266
1833.....	70,317,698	19,822,735	90,140,443	108,118,311
1834.....	81,024,162	23,312,811	104,336,973	126,521,332
1835.....	101,189,082	20,504,495	121,693,577	149,895,742
1836.....	106,916,680	21,746,360	128,663,040	189,980,035
1837.....	95,564,414	21,854,962	117,419,376	140,989,217
1838.....	96,033,821	12,452,795	108,486,616	113,717,404
1839.....	103,533,891	17,494,525	121,028,416	162,092,132
1840.....	113,895,634	18,190,312	132,085,946	167,141,519
1841.....	106,382,722	15,469,081	121,851,803	127,946,177
1842.....	92,969,996	11,721,538	104,691,534	100,162,087
1843.....	77,793,783	6,552,697	84,346,480	64,753,799
1844.....	99,715,179	11,484,867	111,200,046	108,435,035

No. 7—Continued.

Years ending :	EXPORTS.			Imports— total.
	Domestic pro- duce.	Foreign mer- chandise.	Total.	
Sept. 30, 1845.....	\$99,299,776	\$15,346,830	\$114,646,606	\$117,254,564
1846.....	102,141,893	11,346,623	113,488,516	121,691,797
1847.....	150,637,464	8,011,158	158,648,622	146,545,638
1848.....	132,904,121	21,128,010	154,032,131	154,998,928
1849.....	132,666,955	13,088,865	145,755,820	147,857,439
1850.....	136,946,912	14,951,808	151,898,720	178,138,318
1851.....	196,689,718	21,698,293	218,388,011	216,224,932
1852.....	192,368,984	17,289,382	209,658,366	212,945,442
1853.....	213,417,697	17,558,460	230,976,157	267,978,647
1854.....	253,390,870	24,850,194	278,241,064	304,562,381
	4,573,714,067	1,321,203,831	5,894,917,898	6,721,432,934

NOTE.—Prior to 1821, the Treasury reports did not give the value of imports. To that period their value, and also the value of domestic and foreign exports, have been estimated from sources believed to be authentic. From 1821 to 1854, inclusive, their value has been taken from official documents.

RECEIPTS AND EXPENDITURES.

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A table showing the revenue collected from March 4, 1789 to the 30th June, 1854, under the several heads of Customs, Public Lands, and Miscellaneous sources, including Loans and Treasury notes; also, the Expenditures during the same period, and the particular tariff, and price of Lands, under which the revenue from those sources was collected.

50

The Public Lands, by act of May 20, 1785, were held at one dollar per acre; by act of May 18, 1796, at two dollars; the act of April 24, 1820, reduces the minimum to \$1.25.

Years.	From customs.	Date of tariff.	From public lands.	From miscellaneous sources, including loans and treasury notes.	That portion of miscellaneous arising from loans & treasury notes.	Total receipts.	Total expenditures.
From Mar. 4, 1789 to Dec. 31, 1791	\$4,339,473 09	July 4, 1789—general; Aug. 10, 1790—general; March 3, 1791—general.	.....	\$5,810,552 66	\$5,791,112 56	\$10,210,025 75	\$7,207,539 02
1792	3,443,070 85	May 2—general.	.....	5,297,695 92	5,070,806 46	8,740,766 77	9,141,569 67
1793	4,255,306 56	.....	.....	1,465,317 72	1,067,701 14	5,720,624 28	7,529,575 55
1794	4,801,065 28	June 5—special; June 7—general.	.....	5,240,036 37	4,609,196 78	10,041,101 65	9,302,124 74
1795	5,588,461 26	Jan. 29—general.	.....	3,831,341 53	3,305,268 20	9,419,802 79	10,435,069 65
1796	6,567,987 94	.....	\$4,836 15	2,167,505 56	362,800 00	8,740,329 65	8,367,776 84
1797	7,549,649 65	Mar. 3—general; July 8—special.	83,540 60	1,125,726 15	70,135 41	8,758,916 40	8,626,012 78
1798	7,106,061 93	.....	11,963 11	1,091,045 03	308,574 27	8,209,070 07	8,613,517 68
1799	6,610,449 31	.....	.....	6,011,010 53	5,074,646 53	12,621,459 84	11,077,043 50
1800	9,080,932 73	May 13—special.	443 75	3,369,807 66	1,602,435 04	12,451,184 14	11,989,739 92
1801	10,750,778 93	.....	167,726 06	2,026,950 96	10,125 00	12,945,455 95	12,273,376 94
1802	12,438,235 74	.....	188,628 02	2,374,527 55	5,597 36	15,001,391 31	13,276,084 67
1803	10,479,417 61	.....	165,675 69	419,004 33	.....	11,064,097 63	11,258,983 67
1804	11,098 565 33	Mar. 20—special; Mar. 27—special.	487,526 79	249,747 90	9,532 64	11,853,840 02	12,624,616 36

No. 8—Continued.

Years.	From customs.	Date of tariff.	From public lands.	From miscellaneous sources, including loans and treasury notes.	That portion of miscellaneous arising from loans & treasury notes.	Total receipts.	Total expenditures.
To Dec. 31, 1805	\$12,936,487 04		\$540,193 80	\$212,827 30	\$128,814 94	\$13,689,508 14	\$13,727,134 41
1806	14,667,698 17		765,245 73	175,884 88	48,897 71	15,008,828 78	15,070,093 97
1807	15,845,521 61		466,163 27	86,334 38	.....	16,398,019 26	11,292,292 99
1808	16,363,550 58		647,939 06	51,054 45	1,882 16	17,062,544 09	16,764,584 20
1809	7,296,020 58		442,232 33	35,200 21	.....	7,773,474 12	13,867,226 30
1810	8,583,309 31		696,548 82	2,804,348 40	2,759,992 25	12,144,206 53	13,319,986 74
1811	13,313,222 73		1,040,237 53	78,377 88	8,309 05	14,431,838 14	13,601,808 91
1812	8,958,777 53	July 1—special	710,427 78	12,969,827 45	12,837,900 00	22,639,032 76	22,279,121 15
1813	13,224,623 25	July 29—special	835,655 14	26,464,566 56	26,184,435 00	40,524,844 95	39,190,530 36
1814	5,998,772 08		1,135,971 09	27,424,793 78	23,377,911 79	34,559,536 95	38,028,230 32
1815	7,282,942 22		1,287,959 28	42,390,336 10	35,264,320 78	50,961,237 60	39,582,403 35
1816	36,306,874 88	Feb. 5—special	1,717,985 03	19,146,561 91	9,494,436 16	57,171,421 82	48,244,495 51
		April 27—genl.					
1817	26,283,348 49		1,991,226 06	5,559,017 78	734,542 59	33,833,592 33	40,877,646 04
1818	17,176,385 00	April 20—special	2,606,564 77	1,810,986 89	8,765 62	21,593,936 66	35,104,875 40
1819	20,283,608 76	Mar. 3—special	3,274,422 78	1,047,633 83	2,291 00	24,605,665 37	24,004,199 73
1820	15,905,612 15		1,635,871 61	4,240,009 92	3,040,824 13	20,881,493 68	21,763,024 85
1821	13,004,447 15		1,212,968 40	5,356,290 11	5,000,324 00	19,573,703 72	19,090,572 69
1822	17,589,761 94		1,803,581 54	839,084 46	.....	20,232,427 94	17,676,592 63
1823	19,088,433 44		916,523 10	535,709 72	.....	20,540,666 26	15,314,171 00
1824	17,878,325 71	May 22—general	984,418 15	5,518,468 93	5,000,000 00	24,381,212 79	31,898,538 47
1825	20,998,713 45		1,216,090 56	5,526,054 01	5,000,000 00	26,840,858 02	23,585,804 72
1826	23,441,331 77		1,393,785 09	525,317 35	.....	25,260,434 21	24,103,398 46
1827	19,712,283 29		1,496,845 26	1,758,235 41	.....	22,966,363 96	22,656,764 04
1828	23,205,523 64	May 19—general	1,018,308 75	539,796 84	.....	24,763,629 23	25,459,479 52
		May 24—speci.					
1829	22,681,965 91		1,517,175 13	628,486 34	.....	24,827,627 38	25,044,358 40

1830	21,922,391 39	May 20—special; May 29—special	2,329,356 14	532,368 98	24,844,116 51	24,585,291 55
1831	24,224,441 77	.....	3,210,815 48	1,091,563 57	.....	30,038,446 12
1832	28,465,237 24	July 13—special; July 14—genl.	2,623,381 03	776,942 89	.....	34,356,698 06
1833	29,032,508 91	Mar. 2—special; March 2—com- promise.	3,967,682 55	948,234 79	.....	24,257,298 49
1834	16,214,957 15	.....	4,857,600 69	719,377 71	.....	24,601,982 44
1835	19,391,310 59	.....	14,757,600 75	1,281,175 76	.....	17,573,141 56
1836	23,409,940 53	.....	24,877,179 86	2,539,075 69	.....	30,868,164 04
1837	11,169,290 39	.....	6,776,226 52	9,938,632 52	.....	37,265,037 15
1838	16,158,800 36	.....	3,081,939 47	19,778,642 77	2,992,989 15	39,455,438 35
1839	23,137,924 81	.....	7,076,447 35	5,125,653 66	12,716,820 86	37,614,936 15
1840	13,499,502 17	.....	3,292,285 58	8,240,405 84	3,857,276 21	28,226,533 81
1841	14,487,216 74	Sept. 11—general	1,365,627 42	14,666,633 49	25,032,193 59	31,797,530 03
1842	18,187,908 76	Aug. 30—general	1,335,797 52	15,250,038 61	30,519,477 65	32,936,876 53
To June 30, 1843	7,046,843 91	.....	897,818 11	12,837,748 43	34,773,744 89	12,118,105 15
1843-14	26,183,570 94	.....	2,050,939 80	2,955,044 99	20,782,410 45	30,490,408 71
1844-45	27,528,112 70	.....	2,077,022 30	336,718 90	31,198,555 73	33,642,010 85
1845-46	26,712,667 87	.....	2,694,452 48	292,847 39	29,699,967 74	27,632,282 90
1846-47	23,747,864 66	July 30, 1846— general.	2,498,355 20	29,091,948 66	55,338,168 52	60,520,851 74
1847-48	31,757,070 96	March 29, 1848— special.	3,328,642 56	21,906,765 69	56,992,479 21	60,655,143 19
1848-49	28,346,738 82	Aug. 12, 1848— special, Jan. 26, 1849—special...	1,688,959 55	29,761,194 61	29,075,815 48	56,386,422 74
1849-50	39,668,686 42	.....	1,859,894 25	6,120,808 21	4,056,500 00	44,604,718 26
1850-51	49,017,567 92	.....	2,352,305 30	1,392,831 03	52,762,704 25	48,476,104 31
1851-52	47,339,326 62	.....	2,043,239 58	510,549 40	49,893,115 60	46,712,608 83
1852-53	58,931,865 52	.....	1,667,084 99	901,152 30	16,372 50	54,577,061 74
1853-54	64,224,190 27	.....	8,470,798 39	854,716 54	.....	75,354,630 26
Total.....	1,210,102,934 31	.....	143,654,161 16	393,322,125 08	307,832,720 72	1,698,018,178 11

* \$1,458,782 93 deducted from the aggregate receipts, as per account of the Treasurer, No. 76952.

No. 10.—ABSTRACT.

The following articles, used in the manufactures and arts, or medicinally, and now paying duties from 5 to 40 per cent., (as stated in No. 11,) are recommended by the Secretary for free admission:

Acids, boracic, citric, tartaric; alum; amber; ambergris; angora, or thibet, and other goat's hair or mohair; annato, rocou, or orleans; animal carbon, (bone black;) antimony, crude, or regulus of; argol, or crude tartar; arsenic; asphaltum; barks; barytes, sulphate, (ground;) barilla, or soda ash; bells, old and bell metal none; berries, nuts, and vegetables; berries, flowers, and barks; bismuth, (under ores;) bleaching powder; blue or Roman vitriol, or sulphate of copper; borax; brass, in bars, pigs, plates, or sheets; brass, when old and fit only to be remanufactured; Brazil wood, Braziletto, and all other dyewoods in sticks; brecia, (none,) brimstone, unrefined or in rolls; bristles; bronze liquor, (none;) bronze powder; burr-stones; cadmium, (none;) calamine, (none;) canoes and mosaics, not set; cassia buds; chalk; clay, wrought or unwrought; cobalt; cochineal; cocoa and cocoa shells; codilla, or tow of hemp or flax; copper, in pigs, bars, plates, or sheets; copper, when old and fit only to be remanufactured; copper for sheathing vessels, (free in part;) copper, or green vitriol, or sulphate of iron; cork-tree bark; cream of tartar; cudbear, vegetable; chromate, bichromate, hydriodate, and prussiate of potash; diamonds, gems, pearls, rubies, and other precious stones and imitations thereof, set and not set; dragon's blood; emery in lump, not pulverized; extract of indigo; extract and decoctions of logwood and other dyewoods; extract of madder; flaxseed; flints; fuller's earth; furs, dressed or undressed, when on the skin; furs, hatters', dressed or undressed, not on the skin; gamboge; gold-beater's skin; gums: arabic, 10 per cent.—Barbary, none—East India, none—Jedda, 10 per cent.—Senegal, 10 per cent.—substitute, 10 per cent.—tragacanth, 10 per cent.; gutta percha, unmanufactured; hair of all kinds, uncleaned and unmanufactured; horns, horn-tips, bones, bone-tips, and teeth, unmanufactured; India rubber, in bottles, slabs, or sheets, unmanufactured; India rubber, milk of, (none;) indigo; iridium; ivory, unmanufactured; ivory nuts, or vegetable ivory; kelp; kermes; lac-dye; lac-spirits; lastings for shoes, slippers, boots, and buttons, exclusively; lemon juice; lime juice; linseed; madder, ground, and madder root; manganese; manufactures of mohair cloth, silk, twist, or other manufactures of cloth suitable for the manufacture of shoes, boots, hootees, or buttons, exclusively; marble, in the rough slab or block, unmanufactured; marine coral, unmanufactured; moss and other vegetable substances used for mattresses; natron, (none;) nickel; nutgalls; ochres and ochrey earths, whether dry or in oil; medicinal roots, leaves, gums, and resins, in a crude state; paving stones and tiles, roofing tiles, and bricks; oils, palm, cocoanut, and olive; olive when pure and not otherwise; orpiment (and realgar)—arsenic; osier, or willow, prepared or unprepared; palm-leaf, unmanufactured; pearls, set and not set, and mother of pearl; pewter, when old and fit only to be remanufactured; plumbago, or graphite; polishing stones; pumice and pumice stones; patent mordant; quicksilver; rags, of whatever material; ratans and reeds, unmanufactured; rottenstone; red and white lead, and litharge and sugar of lead; safflower; saffron and saffron cake; sal amoniac; saltpetre, or nitrate of soda or potash, refined, or crude; seedlac; shellac; silk, raw not more advanced in manufacture than singles, tram, or organzine; skins and hides, raw of all kinds, whether dried, salted, or pickled; smalts; sheathing metal; sheathing paper; seeds of all kinds; slates and slate pencils; sponges; steel in bars, cast, shear, or German; substances expressly used for manures; sumac; tallow, marrow, and all other grease, and soap stocks and soap stuffs; terne tin plates; terra japonica, or catechu; tin foil; tin in plates or sheets; tin plates, galvanized; tin in pigs, bars, or blocks; tortoise and other shells, unmanufactured; turmeric; type metals, and old types fit only to be manufactured; watch materials of all kinds; waste or shoddy; weld; whitening, or Paris white; wood, or pastel; woods, namely, cedar, lignumvite, ebony, box, granadilla, mahogany, rosewood, satinwood, and all cabinet woods; wool, costing less than ten cents per pound; zinc, spelter, or teuteneque, in sheets or pigs.

As articles of general use and consumption.—Anchovies; animals, living; books, magazines, pamphlets, periodicals, and illustrated newspapers, bound or unbound, being editions printed prior to the year 1830; coffee, from whatever country imported; earthen and stone ware: engravings and etchings or plates, bound

or unbound; fruit, green, ripe, dried, preserved or pickled; green turtle; pearl or hulled barley; marble, manufactures of; music and music paper, with lines, bound or unbound; salt of all kinds; spices of all kinds; tea, from whatever country imported; watches; wines of all kinds; sardines; sago; tapioca; vanilla beans.

Articles viewed in the light of machinery.—Bolting cloths; burr-stones, wrought or unwrought; chronometers, box or ships', and parts thereof; diamonds, glaziers', set or not set; machinery exclusively designed and expressly imported for the manufacture of flax and linen goods; maps and charts.

Principally as medicine.—Aloes; alcornoque; aniseed; arrow-root; asafetida; bitter apples; boucha leaves; burgundy pitch; calomel and other mercurial preparations; camphor, crude; cantharides; castorum; cubeb; ginger, green, ripe, dried, preserved, or pickled; ipecacuanha; iris or oris root; jalap; liquorice root; nux vomica; opium; orange and lemon peel; rhubarb; salts, epsom, glauber, rochelle; sarsaparilla; spunk; squills.

[The above articles are admitted into England, by the tariff of 1853, free of duty, with the following exceptions: Cocoa and cocoa-shells, subject to a duty of $\frac{1}{2}$ per cent.; lastings for shoes, &c. 5 per cent. ad valorem; manufactures of mohair cloth, silk, twist, or other cloth suitable for the manufacture of shoes, boots, bootees, or buttons, exclusively—of silk, 15 per cent., others 5 per cent.; slates and slate pencils, 10s. per ton; tallow, marrow, and other soap stuffs, 1s. 6d. the cwt.;terne tin plates, 10s. the cwt.; tin foil, tin in plates, 10s. the cwt.; coffee, 3d. per lb.; earthen and stone ware, 10d. per cwt.; engravings, 3d. per lb.; fruit, various low duties; barley, $4\frac{1}{2}$ d. per cwt.; watches, from 2s. 6d. to £1 each; wines, from 2s. 9d. to 5s. 6d. per gall.; machinery, for flax and linen goods, 2s. 6d. per cwt.; arrow root, $4\frac{1}{2}$ d. per cwt.; ginger, $1\frac{1}{2}$ d. and 2d. per lb., 5s and 10s. per cwt.; liquorice root, 5s. per cwt.; nux vomica, 2s. per cwt.; opium, 1s. per lb.]

No. II.

Comparative statement of the working of the present tariff, the project of the Secretary of the Treasury, and of the bill of the Committee of Ways and Means, for the year ending June 30, 1853, and the annual average for the six years ending at that date, with the per centage of each article.

ABSTRACT.

TABLE I.—The proposed Tariffs make no change in the articles enumerated in this table.

TABLE II.—The articles denoted by an asterisk in the second table, the secretary proposes to admit free. On all other articles in this table he contemplates an uniform duty of 25 per cent. The committee bill proposes an uniform duty of 20 per cent. on the same articles, except in regard to bolting cloths, which it proposes to admit free.

TABLE III.—The articles denoted by an asterisk in this table, the secretary proposes to admit free; as also liquorice root, steel in bars, cast, shear and German; and wool unmanufactured under 16 and above 50 cents. On the latter article he estimates a duty for 1853, at \$417,429 50; and the annual average of six years at \$316,601 83.

On all other articles in this table the secretary's project contemplates an uniform duty of 25 per cent., and the committee's bill an uniform duty of 15 per cent.

TABLE IV.—The secretary proposes to admit all the articles in this table free, excepting those marked by a cross, on which he proposes a duty of 25 per cent.

The committee's bill contemplates an uniform duty of 10 per cent.

TABLE V.—The secretary contemplates the admission of all the articles in this table free; the committee's bill an uniform duty of 5 per cent.

EXISTING TARIFF.

TABLE I.

Articles.	Rate per ct.	One Year.	Average of six years.
Brandy, and other spirits distilled from grain or other materials.....	100	\$3,782,547 00	\$2,509,386 00
Cordials, absynthe, arrack, curacoa, kirchenwasser, liquors, maraschino, ratifia, and all other spirituous beverages of a similar character.....	100	45,251 00	32,653 00
		<u>3,827,798 00</u>	<u>2,542,039 00</u>

TABLE II.

Alabaster and spar ornaments.....	40		
Ale, beer, and porter, in casks or bottles....	30	109,647 60	65,762 03
*Almonds.....	40	121,981 60	77,192 26
*Anchovies, preserved in pickle, salt, or oil; sardines, and all other fish preserved in oil.....	40	57,042 87	
Argentine, albata, or German silver, manufactured or unmanufactured.....	30	.....	.....
Articles embroidered with gold, silver, or other metal.....	30	.....	.....
Asses' skins.....	30	.....	.....
Balsams, cosmetics, essences, extracts, pastes, perfumes, and tinctures, used either for the toilet or for medicinal purposes..	30	.....	.....
Baskets, and all other articles, composed of grass, ozier, palm-leaf, straw, whalebone or willow, not otherwise provided for....	30	.....	.....
Bay rum.....	30	.....	.....
Beads of amber, composition, or wax, and all other beads.....	30	.....	.....
Benzoates.....	30	.....	.....
Bologna sausages.....	30	.....	.....
Bracelets, braids, chains, curls, or ringlets, composed of hair, or of which hair is a component part.....	30	.....	.....
Braces, suspenders, webbing, or other fabrics composed wholly or in part of India rubber, not otherwise provided for.....	30	.....	.....
Brooms and brushes of all kinds.....	30	59,934 00	44,939 35
Buttons and button-moulds of all kinds....	25	190,598 50	129,598 54
Cameos, real and imitation, and mosaics, real and imitation, when set in gold, silver, or other metal.....	30	See diamonds.	
Camphor refined.....	40	126 40	185 06
Canes and sticks for walking, finished or unfinished.....	30	.....	.....
Capers, pickles, and sauces of all kinds, not otherwise provided for.....	30	.....	.....
Caps, hats, muffs, and tippets, of fur, and all other manufactures of fur, or of which fur shall be a component material.....	30	4,239 60	5,663 34
Card-cases, pocket-books, shell boxes, souvenirs, purses, reticules, and all articles worn or carried on the person as ornaments, of whatever material composed...	30	.....	.....
Carriages and parts of carriages.....	30	.....	.....

Articles.	Rate per ct.	One year.	Average of six years.
*Cassia and cinnamon.....	{ 30	\$3,025 50	\$3,220 70
	40	71,276 00	52,773 00
Cayenne pepper.....	30	13,642 50	8,981 29
Cheese.....	30	21,158 40	12,193 51
*China, earthen, and stoneware, and all other wares composed of earthy and mineral substances, not otherwise provi- ded for.....	30	952,165 20	857,721 06
Clocks and parts of clocks.....	30	24,627 60	18,573 90
Clothing, ready made, and wearing appa- rel of every description, of whatever ma- terial composed, and all other articles worn or carried on the person, made up or manufactured, wholly or in part, either by the tailor, seamstress, or man- ufacturer, not otherwise expressly enu- merated and provided for.....	30	692,140 50	331,122 36
*Cloves.....	40	19,134 00	19,734 80
Coach and harness furniture of all kinds...	30		
Coal.....	30	147,003 00	131,127 07
Coke and culm of coal.....	30	4 80	12 49
Combs of all kinds.....	30		
Comfits, sweetmeats, or fruit preserved in sugar, brandy, alcohol, or other spirits, molasses, or in their own juice, and con- fectionary of all kinds.....	40		
Composition tops for tables, or other arti- cles of furniture.....	40		
*Compositions of glass or paste, when set..	30		
Coral, cut or manufactured.....	30		
Corks.....	30	53,496 30	42,087 05
Court-plaister.....	30		
Crayons of all kinds.....	30		
*Currants.....	40	16,357 20	39,351 92
Cutlery of all kinds.....	30	610,511 40	445,508 00
*Dates.....	40	5,916 80	4,230 52
Diamonds, gems, pearls, rubies, and other precious stones, and imitations of pre- cious stones, when set in gold, silver, or other metal, and all manufactures of agate, cornelian, or other precious stones, and all articles of jewelry, real or imita- tion, including gold and silver buttons..	30	164,303 60	88,796 61
Dolls and toys, of all kinds.....	30		
Epaulettes, galloons, laces, knots, stars, tas- sels, tresses, and wings, of gold, silver, or other metal.....	30	10,043 40	7,372 50
Fans and fire-screens, of every description, of whatever material composed.....	30		
Feathers and flowers, artificial or ornamen- tal, and parts thereof, of whatever mate- rial composed.....	30		
*Figs.....	40	49,885 20	42,752 00
Fire-crackers.....	30		
Flats, braids, plaits, sparterre and willow squares, used for making hats or bonnets.	30		
Floss silks, feather beds, feathers for beds, and downs of all kinds.....	25		
Frames and sticks, for umbrellas and par- asols and sun-shades, finished or unfin- ished.....	30	2,514 00	5,687 49

Articles.	Rate per ct.	One year.	Average of six years.
*Ginger root, dried or green.....	40	\$24,065 20	\$23,307 32
Ginger, ground.....	30	215 00	5,675 11
Glass, cut.....	40	30,713 20	24,337 66
Glass crystals for watches.....	30	11,426 40	6,564 84
Glasses or pebbles for spectacles.....	30	1,651 20	1,902 91
Glass, paintings on.....	30	473 70	2,231 14
Glass, porcelain, colored, stained, or painted	30		
*Gum Benzoin, or Benjamin.....	25	70,080 75	63,060 04
Hair-cloths, hair-seating, and all other manufactures of hair*not otherwise pro- vided for.....	30		
Hair pencils.....	20	11,210 80	8,423 45
Hat bodies, of cotton.....	30	491,744 40	426,485 40
Hats and bonnets, composed of straw, satin- straw, chip, grass, palm-leaf, willow, or any other vegetable substance, or of hair, whalebone, or other material not other- wise provided for.....	25	397,947 75	176,723 46
Hemp, unmanufactured.....	30	98,736 60	97,185 63
Honey.....	30		
Human hair, cleaned or prepared for use...	30		
Ink and ink powder.....	30		
Iron in bars, blooms, bolts, loops, pigs, rods, slabs, or other form, not otherwise provided for.....	30	5,739,380 10	3,296,724 15
Iron, castings of.....	30	26,793 00	14,534 64
Iron, galvanized, in sheets or plates.....	30		
Iron, old or scrap.....	30	43,517 70	40,291 09
Iron, vessels of.....	30		
Japanned ware of all kinds, not otherwise provided for.....	30	17,518 80	17,014 85
Jet and manufactures of jet, and imita- tions thereof.....	30		
Jute, sisal grass, coir, and other vegetable substances, unmanufactured, not other- wise provided for.....	25	24,635 25	58,686 12
Lead pencils.....	30	19,666 20	13,524 39
Maccaroni, vermicelli, gelatine, jellies, and all similar preparations.....	30		
Mace.....	40	437 60	5,512 40
Manufactures of the bark of the cork tree..	30	45 00	92 64
Manufactures of bone, shell, horn, pearl, ivory, or vegetable ivory.....	30		
Manufactures, articles, vessels, and wares of brass, copper, gold, iron, lead, pewter, platina, silver, steel, and tin, or other metal, or of which either of those metals or any other metal shall be a component material, not otherwise provided for.....	30	1,786,557 65	1,503,669 81
Manufactures of cedar wood, granadilla, ebony, mahogany, rosewood, and satin- wood.....	40	22,531 20	20,159 00
Manufactures and articles of cotton, flax, hemp, grass, goats' or other hair, mohair, silk, wool, or worsted, or of either of these articles combined, or of which either of these articles shall be a component material, not otherwise enumerated and provided for.**.....	20	2,451,987 80	1,969,819 35
	25	15,455,028 75	11,000,118 13
	30	5,226,312 60	3,678,769 25

** Both the Secretary's project and the committee's bill propose the admission of bolting cloths free.

Articles.	Rate per ct.	One year.	Average of six years.
Manufactures of cotton, linen, silk, wool, worsted, or any other material embroidered or tambored, either by hand or in the loom, or by machinery or any other process.....	30	\$1,364,065 80	\$874,300 84
Manufactures, articles, vessels, and wares of glass, or of which glass shall be a component material, not otherwise provided for.....	30	131,671 40	102,458 86
Manufactures and articles of leather, or of which leather shall be a component part, not otherwise provided for.....	30	524,174 10	400,174 31
*Manufactures and articles of marble, marble paving tiles, and all other marble more advanced in manufacture than in slabs or blocks in the rough.....	30	36,364 20	12,087 84
Manufactures of paper, or of which paper is a component material, not otherwise provided for.....	30	35,923 80	27,986 55
Manufactures, articles, and wares of papier mache.....	30	13,086 60	15,145 25
Manufactures of wood, or of which wood is a component part, not otherwise provided for.....	30	126,745 50	89,807 60
Matting, Chinese and other floor matting and mats made of flags, jute, or grass....	25	59,349 25	42,497 11
Medical preparations, not otherwise provided for.....	30		
Metallic pens.....	30	32,574 60	23,866 80
Mineral waters.....	30		
Molasses.....	30	1,105,466 40	1,004,582 89
Musical instruments of all kinds, and strings for musical instruments, of whip-gut, or cat-gut, and all other strings of the same material.....	20		
Muskets, rifles, and other fire-arms.....	30	148,904 10	122,842 54
*Nutmegs.....	40	35,223 60	89,128 80
*Nuts, not otherwise provided for.....	30	43,458 30	33,308 85
*Ochres and ochrey earths, used in the composition of painters' colors, whether dry or ground in oil.....	30	10,157 40	7,480 85
Oil-cloth of every description, of whatever material composed.....	30	12,711 90	10,109 70
Oils, volatile, essential or expressed, not otherwise provided for.....	30		
Olive oil in casks, salad oil, and all other olive oil, not otherwise provided for.....	30		
Olives.....	30		
Paper—antiquarian, demy, drawing, elephant, foolscap, imperial, letter, and all other paper, not otherwise provided for.	30	80,452 05	68,373 81
Paper boxes, and all other fancy boxes.....	30	7,996 20	13,878 20
Paper envelopes.....	30		
Parasols and sun-shades.....	30	See umbrellas.	
Parchment.....	30		
*Pepper.....	30	54,508 20	41,968 90
*Pimento.....	30	74,004 40	46,441 69
Plate glass, whether silvered or otherwise.	30	196,619 70	163,827 60
Plated and gilt ware of all kinds.....	30	107,368 50	84,704 48
Playing cards.....	30	2,999 40	2,880 24
*Plums and prunes.....	40	45,507 60	25 989 20

Articles.	Rate per ct.	One year.	Average of six years.
*Potatoes.....	30	\$27,861 00	\$19,516 05
Prepared vegetables, meats, poultry, and game, sealed or enclosed in cans or other- wise.....	40		
*Raisins.....	40	358,413 60	307,045 00
Red chalk pencils.....	30		
*Roofing slates, and slates other than roof- ing slates.....	25	27,338 00	38,359 79
Saddlery of all kinds, not otherwise pro- vided for.....	30	66,367 20	54,414 80
Salmon preserved.....	20	18,868 20	17,472 00
Scagliola tops for tables, or other articles of furniture.....	40		
Sealing-wax.....	30		
Segars, snuff, paper segars, and all other manufactures of tobacco.....	40	1,327,774 00	875,110 86
Sewing-silk, in the gum or purified.....	30		
Shoes composed wholly of India rubber....	30	3,870 30	10,632 00
Side-arms of every description.....	30	482 10	1,106 10
Silk twist, and twist composed of silk and mohair.....	30		
Silver-plated metal, in sheets or other form.	30	6,938 10	2,839 08
Soap—Castile, perfumed, Windsor, and all other kinds.....	30	24,127 20	21,672 80
Sugar of all kinds.....	30	4,497,890 90	3,432,359 30
Syrup of sugar.....			
*Tobacco, unmanufactured.....	30	256,740 90	148,182 25
Umbrellas, parasols, and sun-shades.....	30	17,510 70	12,649 56
Vellum.....	30		
Vinegar.....	30	2,092 50	1,910 44
Wafers.....	30		
Water-colors.....	30		
*Wines: Burgundy, champagne, claret, Ma- deira, port, sherry, and all other wines and imitations of wines.....	30	888,340 20	680,704 17
		<hr/> 47,022,357 65	<hr/> 33,817,216 24

TABLE III.

*Ambergris.....	20	8 20	
*Arrow-root.....	20	2,736 20	
Bacon and hams.....	20	1,491 00	1,622 89
Barley.....	20	7,952 80	5,511 17
Beef and pork.....	20	5,353 20	2,397 21
Beeswax.....	20		
*Berries, vegetables, flowers, and barks,...	15	49,538 40	
not otherwise provided for.....			
Blank books, bound or unbound.....	20	2,395 00	1,771 49
Boards, planks, staves, laths, scantling, spars, hewn and sawed timber, and tim- ber to be used in building wharves.....	20		
*Borax or tincal.....	25	34,263 25	
Burlaps, unbleached and uncolored.....	20	See osnaburgs.	
*Bronze liquor.....	20	None.	None.
*Bronze powder.....	30		
*Burgundy pitch.....	25	48 25	
Butter.....	20	66,065 20	18,001 86
Cables and cordage, tarred or untarred....	25	30,415 00	49,340 61
*Calomel, and other mercurial preparations	25	4,202 75	
*Camphor, crude.....	25	3,585 25	7,530 25

Articles.	Rate per ct.	One year.	Average of six years.
Caps, gloves, leggins, mits, socks, stockings, wove shirts, and drawers, made on frames, composed wholly of cotton, worn by men, women, or children.....	20	\$600,526 20	\$358,756 40
*Cedar wood, ebony, granadilla, mahoga- ny, rosewood, and satinwood, unmanu- factured.....	20	92,563 60	75,604 83
Chocolate.....	20	442 00	257 63
Chromate of lead.....	20		
*Chromate, bichromate, hydriodate, and prussiate of potash.....	20		
Cobalt.....	20	279 80	
Coculus Indicus.....	20		
Copperas, or green vitrol, or sulphate of iron.....	20	327 00	730 40
Copper rods, bolts, nails, and spikes.....	20	6 00	8,114 75
Copper bottoms.....	20	2,844 00	2,291 35
Copper in sheets or plates, called braziers' copper, and other sheets of copper not otherwise provided for.....	20	None.	305 73
*Cotton bagging.....	20	2,820 20	18,580 00
Diamonds, glaziers', set or not set.....	15	113 70	170 80
Felspar.....	20		
Fig blue.....	20		
Fish, foreign, whether fresh, smoked, salted, dried, or pickled, not otherwise provided for.....	20	158,502 66	125,162 44
Fish glue, or isinglass.....	20		
Fish skins.....	20		
*Flaxseed.....	20	126,679 00	82,198 53
Flax unmanufactured.....	20	20,352 60	21,156 50
Flour of sulphur.....	20		
Frankfort black.....	20		
French chalk.....	20		
Fulminates, or fulminating power.....	20		
*Furs dressed on the skin.....	20	18,470 20	14,490 98
Glue.....	20	2,190 40	3,139 25
*Green turtle.....	20	305 60	
Gunny cloth and gunny bags.....	20	167,822 80	123,948 33
Gunpowder	20	538 00	363 03
Hams.....	20		
Hats of wool.....	30		
Hat bodies made of wool, or of which wool shall be a component material.....	20		
Hempseed or linseed and rapeseed oil, and.....all other oils used in painting.....	20	237,964 40	194,352 60
Indian corn and corn meal.....	20	None.	None.
*Iris, or orris root.....	20	89 20	
Iron liquor.....	20		
*Ivory, or bone-black.....	20	57 40	216 67
Juniper berries.....	20		
*Lac spirits.....	20	None.	None.
Lac sulphur.....	20		
Lamp-black.....	20		
Lard.....	20	189 20	259 85
Leather, tanned, bend or sole.....	20	5,653 40	4,325 89
Leather, upper, of all kinds.....	20	309,013 20	186,407 89
Lead in pigs, bars, or sheets.....	20	323,611 60	189,774 80
Leaden pipes.....	20	24 00	34 60
Leaden shot.....	20	None.	373 91
*Liquorice paste, juice, or root.....	20		

Articles.	Rate per ct.	One year.	Average of six years.
Litharge	20	\$87 20	\$54 65
Malt.....	20		
*Marble in the rough, slab, or block, un- manufactured.....	20	35,398 00	23,749 96
*Marine coral, unmanufactured.....	20		
Metals, Dutch and bronze, in leaf.....	20		
Metals, unmanufactured, not otherwise pro- vided for.....	20		
*Mineral and bituminous substances in a crude state, not otherwise provided for...	20		
Needles of all kinds, for sewing, darning, knitting, or otherwise.....	20	48,012 20	42,739 47
Nitrate of lead.....	20		
Oats and oatmeal.....	20	35,804 20	20,522 97
Oils, neatsfoot, and other animal oil, sper- maceti, whale, and other fish oil, the pro- duce of foreign fisheries.....	20	54,024 20	11,539 06
Osnaburgs, unbleached and uncolored, ticklenburgs and burlaps.....	20	16,003 00	15,899 93
Paints, dry or ground in oil, not otherwise provided for.....	20		
Paper-hangings, and paper for screens or fire-boards.....	20	25,165 00	19,624 76
*Pearl or hulled barley.....	20	34 00	529 37
Periodicals, and other works in course of printing and republication in the United States.....	20	719 40	376 29
Pitch	20		
Plaster of Paris, when ground.....	20		
Pork. (See beef.).....	20		
Potassium.....	20		
Prussian blue.....	20		
Putty	20		
Quills.....	20		
Red chalk.....	20		
Rice or paddy.....	20		
*Roll brimstone.....	20		
Roman cement.....	20		
Rye and rye flour.....	20	365 00	1,551 69
Saddlery, common, tinned, or japanned...	30	31,452 00	22,487 49
*Sago.....	20	4,469 40	
Sal soda; and all carbonates of soda, by whatever name designated, not otherwise provided for.....	20		
*Silk, advanced in manufacture, but not further than singles, tram, and organzine, in the gum, not otherwise provided for..	15		
*Skins, tanned and dressed, of all kinds, not otherwise provided for.....	20		
*Skins of all kinds, not otherwise provided for	20		
*Slate pencils.....	20		
Spermaceti candles and tapers. (See wax candles.)	20		
*Sponges.....	20	10,117 20	
*Spunk.....	20	6 00	
Starch.....	20	6,038 40	1,408 16
Stearine candles and tapers.....	20	882 80	772 28
*Steel, in bars, cast, shear or German, and in plates, sheets or otherwise.....	15	351,581 70	203,024 52
Stereotype plates.....	20	125,287 00	65,557 73

Articles.	Rate per ct.	One year.	Average of six years.
Still bottoms.—(See copper bottom.).....	20		
*Sulphate of barytes, crude or refined.....	20	\$2,883 40	\$2,176 30
Tallow candles.....	20	603 40	112 30
*Tapioca.....	20	1,230 00	
Tar.....	20		
Ticklenburgs.—(See osnaburgs.).....	20		
*Type metal.....	20	1,355 20	
*Types, new or old.....			
*Vanilla beans.....	20	396 60	
Verdigris.....	20		
Velvet in the piece, composed wholly of cotton.....	20	61,117 80	39,173 13
Vermillion.....	20		
Wax candles and tapers, and spermaceti ditto.....	20	1,240 80	925 87
Whalebone, the produce of foreign fisheries.	20	139 20	60 13
Wheat, and wheat flour.....	20	339,310 20	257,229 55
White and red lead.....	20	13,811 60	7,624 69
Whiting or Paris white.....	20	1,246 00	2,242 21
White vitrol or sulphate of zinc.....	20		
Window glass of every description, inclu- ding broad, crown, cylinder, sheet, or rough glass, and not otherwise provided for.....	20	96,546 60	57,341 00
*Wood, unmanufactured, not otherwise provided for, and firewood.....	30	123,769 80	79,294 82
Wool, unmanufactured.....	30	800,915 40	607,482 90
Woollen listings.....	20		
		<hr/> 4,499,383 36	<hr/> 2,980,243 86

TABLE IV.

Acids—acetic, benzoic, boracic, chromic, citric, muriatic, white and yellow, nitric, oxalic, pyroligneous, and tartaric, and all other acids of every description, used for chemical or medicinal purposes, or for manufacturing, or in the fine arts, not otherwise provided for.....	20		
Aloes.....	20	1,071 00	
Alum.....	20	1,141 20	1,310 02
Amber.....	20	None.	
Angora, Thibet, and other goats' hair or mohair, unmanufactured.....	20	1,777 60	1,401 16
Aniseed.....	20	1,719 20	
Animal carbon.....	20	None.	
Antimony, crude and regulus of.....	20	4,561 00	
Arsenic.....	15	4,697 10	
Articles, not in a crude state, used in dye- ing or tanning, not otherwise provided for.....	20		
Asafoetida.....	20	165 20	
Bark, quilla.....	15		
Bismuth.....	20	1,002 40	
Bitter apples.....	20	268 60	
Blue or Roman vitriol or sulphate of copper	20	1,174 60	1,547 92
Boucho leaves.....	20	None.	
Brazil paste.—(See diamonds.).....	15		
Breccia.....	20	None.	

Articles.	Rate per ct.	One year.	Average of six years.
Brimstone, crude, in bulk.....	20	\$9,349 60	
Bromine.....	20		
Cadmium.....	20	None.	
Calamine.....	20	45 60	
Cameos and mosaics, and imitations there- of, not set.....	10	See diamonds, &c.	
Cantharides.....	20	2,023 80	
†Carbonate of ammonia.....	20		
Cassia buds.....	20	301 80	
†Castor oil.....	25	8,056 00	\$2,872 17
Castorum.....	20	47 20	
Chronometers, box or ships, and parts thereof.....	10	2,210 00	1,710 70
Codilla, or tow of hem or flax.....	15	2,539 65	6,474 13
Compositions of glass or paste, not set.— (See diamonds, &c.).....	10		
Cork tree bark, unmanufactured.....	15	2,069 70	2,292 52
Cream of tartar.....	20	79,056 00	
Cubebs.....	20	1,455 80	
Diamonds, gems, pearls, rubies, and other precious stones and imitations thereof, when not set.....	10	6,223 90	8,832 55
Dragon's blood.....	15	63 60	
Dried pulp.....	20	None.	
Emery.....	20	5,917 20	
Engravings or plates, bound or unbound..	10	10,743 00	
†Ether.....	20		
Extract of indigo.....	20	1,236 60	
Extracts and decoctions of logwood and other dye-woods, not otherwise provided for.....	20	118 00	
Extract of madder.....	20	997 80	
Furs, hatters', dressed or undressed, not on the skin.....	10	106,430 00	66,848 61
Furs, undressed, when on the skin.....	10	56,273 70	28,501 33
Gamboge.....	20	121 20	
†Gold and silver leaf.....	15	561 90	279 16
Gutta percha.....	20	583 40	
Hair, curled, moss, seaweed, and all other vegetable substances used for beds or mattresses.....	20		
Hair of all kinds, uncleaned and unmanu- factured.....	10	33,045 10	
Hempseed, linseed, and rapeseed.....	10		
India rubber in bottles, slabs, or sheets, unmanufactured, and the milk of India rubber.....	10	63,023 50	
†Iodine.....	20		
Ipecacuanha.....	20	1,887 80	
Iridium.....	20	None.	
Jalap.....	20	1,219 00	
Manganese.....	20	68 00	
Manna.....	20	665 60	
Medicinal drugs, roots, barks, and leaves, in a crude state, not otherwise provided for.	20		
Mineral kermes.....	15	None.	
Music and music paper, with lines, bound or unbound.....	10	2,424 50	
Opium.....	20	69,328 60	40,078 41
Osier or willow prepared for basket ma- ker's use.....	20	6,154 60	

Articles.	Rate per ct.	One year.	Average of six years.
Patent mordant.....	20	None.	
Paving stones.....	20	\$126 00	
Paving and roofing tiles and bricks.....			
†Phosphate of ammonia.....	20		
Plumbago.....	20		
Quicksilver.....	20	3,491 80	9,362 00
Rags, woolen and worsted. (Raised to 10 per cent.).....	5		
Rhubarb.....	20	1,600 40	
Saffron and saffron cake.....	20	373 40	
Sal ammoniac.....	10	3,511 60	
Salts—Epsom, Glauber, Rochelle, and all other salts and preparations of salts, not otherwise provided for.....	20	1,404 20	
Sarsaparilla.....	20	12,666 00	
†Seppia.....	20		
Sheathing paper.....	20	None.	2 66
Smalts.....	20	657 60	
†Spirits of ammonia.....	20		
†Spirits of turpentine.....	20	4 60	4 00
Squills.....	20	124 00	
†Sugar of lead.....	20	7,040 80	4,689 82
†Sulphate of quinine.....	20	40,654 80	11,247 00
Terne tin-plates.....	15	706,482 60	437,420 80
†Tin foil.....	15	3,536 40	3,010 36
Tin, in plates or sheets. (See tin plates)..	30		
Tin plates galvanized, not otherwise pro- vided for. (See tin, in plates or sheets).	30		
Waste or shoddy. (Raised from 5 to 10 per cent.).....	5	5,452 25	
Watches and parts of watches.....	10	321,212 90	230,368 82
Watch materials of all kinds.....			
Zinc, spelter, and teuteneque, in sheets.....	15		
		<u>1,600,159 40</u>	<u>858,254 14</u>

TABLE V.

Alcornoque.....	5	None.	None.
Annato, rancon, or Orleans.....	10	2,375 30	
Argol, or crude tartar.....	5	9,019 80	
Barilla.....	10		
Bells, when old, or bell-metal fit only to be remanufactured.....	5		
Bleaching powder, or chloride of lime.....	10	16,166 80	14,598 86
Books printed, magazines, pamphlets, pe- riodicals, and illustrated newspapers, bound or unbound, not otherwise provi- ded for.....	10	71,962 40	58,776 20
Brass in pigs or bars.....	5	606 45	604 86
Brass when old, and fit only to be reman- ufactured.....			
Bristles.....	5	12,686 55	10,229 55
Building-stones.....	10		
Chalk, not otherwise provided for.....	10	114 80	
	5		
Clay, unwrought.....	10	2,876 80	
	20		
Cochineal.....	10	41,561 30	
Cocoa.....	10	16,981 00	11,243 08
Cocoa shells.....			

Articles.	Rate per ct.	One year.	Average of six years
Copper in pigs or bars.....	5	\$76,464 75	\$61,822 28
Copper when old, and fit only to be reman- ufactured.....			
Cndbear.....	10	438 70	
Flints.....	5	125 45	
Fuller's earth.....	10	40 30	
Gold-beaters' skins.....	10	85 80	
Granilla. (See cochineal.).....	10		
Grindstones, wrought or unwrought.....	5		
Gum arabic and gum Senegal.....	10	18,461 00	
Gum Barbary.....	10	None.	
Gum copal.....	20		
Gum East India.....	10	None.	
Gum Jedda.....	10	178 30	
Gum substitute, or burnt starch.....	10	2,199 30	
Gum tragacanth.....	10	4,783 10	
Horns, horn-tips, bones, bone-tips, and teeth, unmanufactured.....	5	1,821 75	
Indigo.....	10	128,236 70	87,926 66
Ivory unmanufactured.....	5	6,524 85	
Ivory nuts, or vegetable ivory.....	5	51 95	
Kelp.....	10	None.	
Kermes.....	5	None.	
Lac-dye.....	5	8,061 90	
Lemon and lime juice.....	10		
Lime.....	10		
Madder, ground.....	5		
Madder root.....	5		
Maps and charts, not otherwise provided for.....	10	1,373 70	
Natron.....	10	None.	
Nickel.....	5	2,805 50	
Nutgalls.....	5	172 15	
Nux vomica.....	10	34 90	
Oils, palm, and cocoanut.....	10		
Orpiment.....	10	18 90	
Palm-leaf, unmanufactured.....	10	3,778 30	
Pearl, mother of.....	5		
Pewter, when old and fit only to be reman- ufactured.....	5	274 70	112 80
Polishing stones.....	10	217 10	
Pumice and pumice-stone.....	10	216 30	
Rags, not otherwise provided for.....	5	49,141 85	45,524 68
Ratans and reeds, unmanufactured, not otherwise provided for.....	10	3,273 00	
Rotten-stone.....	10	21 50	
Raw-hides and skins of all kinds, whether dried, salted, or pickled, not otherwise provided for.....	5	295,969 55	220,631 56
Safflower.....	5	170 20	
Sal ammonia.....	10		
Saltpetre, (or nit're of soda or potash,) re- fined, partially refined, or crude.....	5	32,151 85	33,458 35
	10	76 70	800 03
Seedlac.....	5	4 85	
Shellac.....	5	1,977 00	
Silk, raw, with or without the gum, im- ported in the condition in which it comes from the cocoon, not being doubled, twisted, or advanced in manufacture in any way.....	15	106,813 80	65,359 80
Soda ash.....	10	84,544 30	70,162 12
Sulphuric acid, or oil of vitriol.....	20	22 20	18 27

Articles.	Rate per ct.	One year.	Average of six years.
Sumac.....	5	9,838 00	.....
Tallow, marrow, and all other grease and soap stocks and soap stuffs, not other- wise provided for.....	10	12,143 20	2,909 92
Terra japonica, or catechu.....	20	134 20	.....
Tin, in pigs, bars, or blocks.....	5	36,211 65	25,576 33
Tortoise and other shells, unmanufactured, not otherwise provided for.....	5		
Turmeric.....	5	155 10	.....
Weld.....	5	None.	.....
Woad, or pastel.....	10	209 90	210 26
Zinc, spelter, or teuteneque, unmanufac- tured, not otherwise provided for.....	15 5	56,415 50	.....
		<u>1,122,691 85</u>	<u>709,965 05</u>

RECAPITULATION.

COMMITTEE'S BILL.

Rate per ct.	One year.	Average for six years.
100.....	\$3,827,798 00	\$3,542,039 00
20.....	34,666,437 74	24,476,181 26
15.....	3,209,178 85	2,100,143 11
10.....	1,229,993 40	671,883 52
5.....	823,673 17	543,064 86
Total.....	<u>43,757,081 16</u>	<u>30,333,311 75</u>

EXISTING TARIFF.

Rate per ct.	One year.	Average for six years.
	\$2,827,798 00	\$3,542,039 00
40.....	54,244,592 26	38,365,679 29
30.....		
25.....		
20.....		
15.....		
10.....		
5.....		
Total.....	<u>58,072,390 26</u>	<u>40,907,718 29</u>

SECRETARY'S PROJECT.

Rate per ct.	One year.	Average for six years.
	\$3,827,798 00	\$2,542,039 00
25.....	43,881,522 51	31,100,978 93
Total.....	<u>47,709,320 51</u>	<u>33,643,017 93</u>

NOTE.—The revenue collected during the year ending June 30, 1853, as stated in the Report on the Finances, was \$60,964,929 15, though a (small) part of that amount was derived from importations made previous to that period. The difference between that sum and \$58,072,390 26, the product of the existing tariff of preceding table for one year, is due to the amounts collected on many articles known as "non-enumerated," which are not given. The revenue collected on these articles does not enter into the calculations for the average of six years of either of the schemes, but the various rates of admission are given in all instances

No. 12.

Statement exhibiting the value of manufactured articles of domestic produce exported to foreign countries, from the 30th day of June, 1845, to June 30, 1854.

Articles.	1846.	1847.	1848.	1849.	1850.	1851.	1852.	1853.	1854.
Wax.....	\$162,790	\$161,537	\$134,577	\$121,720	\$118,055	\$122,835	\$91,499	\$113,602	\$87,140
Refined sugar.....	392,312	124,824	253,900	129,001	285,056	219,588	149,921	375,780	370,488
Chocolate.....	2,177	1,653	2,207	1,941	2,260	3,255	3,267	10,230	12,257
Spirits from grain.....	73,716	67,781	90,957	67,129	48,314	36,084	48,737	141,173	280,648
Spirits from molasses.....	268,652	293,609	269,467	288,452	268,290	289,622	323,949	329,381	809,965
Molasses.....	1,581	20,959	5,563	7,442	14,137	16,830	13,163	17,582	130,324
Vinegar.....	17,489	9,526	13,930	14,036	11,182	16,915	12,220	20,443	16,945
Beer, ale, porter, and cider.....	67,735	68,114	78,071	51,320	52,251	57,975	48,052	64,677	53,385
Linseed oil and spirits of turpentine.....	159,915	498,110	331,404	148,056	229,741	145,410	152,837	382,960	1,084,329
Household furniture.....	317,407	225,700	297,358	237,342	278,025	362,830	430,182	714,556	762,559
Coaches and other carriages.....	87,712	75,369	89,963	95,923	95,722	199,421	172,446	184,497	244,638
Hats.....	74,722	59,536	55,493	64,967	68,671	103,768	80,453	91,261	174,396
Saddlery.....	24,357	13,102	27,435	37,276	20,893	30,100	47,937	48,229	53,311
Tallow candles and soap.....	630,041	606,798	670,223	627,280	664,963	609,732	660,054	681,362	888,557
Snuff and tobacco.....	695,914	658,950	568,435	613,044	648,832	1,143,547	1,316,622	1,671,500	1,550,327
Leather, boots, and shoes.....	346,516	243,816	194,095	151,774	193,598	458,838	428,708	673,708	893,723
Cordage.....	62,775	27,054	29,911	41,636	51,357	52,054	66,903	103,216	186,766
Gunpowder.....	140,879	88,397	125,263	131,297	190,352	154,257	121,580	180,018	211,665
Salt.....	30,520	42,333	73,274	82,972	75,103	61,424	89,316	119,729	159,026
Lead.....	614,518	124,981	84,278	30,198	12,797	11,774	32,725	5,540	26,874
Iron—pig, bar, and nails.....	122,225	168,817	154,036	149,358	154,210	215,652	118,624	181,998	302,279
Castings.....	107,905	68,889	83,188	60,175	79,318	164,425	191,388	220,420	458,202
all manufactures of.....	921,652	929,778	1,022,408	886,639	1,677,792	1,875,621	1,993,807	2,097,234	3,449,869
Copper and brass, manufactures of.....	62,088	64,980	61,468	66,203	105,060	91,871	103,039	108,205	91,984
Medicinal drugs.....	200,505	165,793	210,581	220,894	334,759	351,585	263,852	327,073	453,752

EXPORTS.

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Cotton piece goods, printed or colored	1,229,538	290,114	353,534	469,777	606,631	1,006,561	926,404	1,086,167	1,136,493
uncolored.....	1,978,331	3,345,902	4,866,559	3,955,117	3,774,407	5,571,576	6,139,291	6,926,485	8,927,148
twist, yarn, and thread....	81,813	108,132	170,633	92,555	17,405	37,260	34,718	22,594	49,315
other manufactures of....	255,799	338,375	327,479	415,680	335,981	625,808	571,638	733,648	422,560
Hemp and flax—cloth and thread...	1,364	477	495	1,009	1,183	1,647	5,468	2,924	24,456
bags, and all manufactures of...	10,765	5,305	6,218	4,549	10,593	6,376	8,154	13,860	55,261
Wearing apparel.....	45,140	47,101	574,834	75,945	207,632	1,211,894	250,228	239,733	200,420
Earthen and stone ware.....	6,521	4,758	8,512	10,632	15,644	23,096	18,310	53,085	33,867
Combs and buttons.....	35,945	17,026	16,461	38,136	23,987	27,334	28,833	31,395	37,493
Brushes.....	3,110	2,997	2,160	2,924	2,827	8,257	4,385	6,612	9,486
Billiard tables and apparatus.....	1,583	615	12	701	2,295	1,798	1,088	1,673	3,204
Umbrellas, parasols, and sunshades..	2,477	2,150	2,916	5,800	3,395	12,260	8,340	6,183	11,544
Leather and morocco, (not sold per pound).....	26,667	29,856	16,483	9,427	9,800	13,309	18,617	6,448	15,882
Fire-engines and apparatus.....	9,802	3,443	7,686	548	3,140	8,488	16,784	9,652	9,597
Printing presses and types.....	43,798	17,431	30,403	28,031	39,242	71,401	47,781	32,250	33,012
Musical instruments.....	25,375	16,997	38,508	23,713	24,634	55,700	67,733	52,397	126,062
Books and maps.....	63,567	44,751	75,193	94,427	119,475	153,912	217,809	142,604	187,335
Paper and stationery.....	124,597	88,731	78,307	86,827	99,696	155,664	119,535	122,212	191,843
Paints and varnish.....	52,182	54,115	50,739	55,145	67,597	109,834	85,369	83,020	121,733
Manufactures of glass.....	90,860	71,155	76,007	101,419	136,682	185,436	194,634	170,561	229,382
Manufactures of tin.....	8,902	6,363	12,353	13,143	13,590	27,823	23,420	22,988	30,698
Manufactures of pewter and lead.....	10,278	13,694	7,739	13,196	22,682	16,426	18,469	14,064	16,478
Manufactures of marble and stone...	14,234	11,220	22,466	20,282	34,510	41,449	57,240	47,628	88,327
Manufactures of gold and silver, and gold leaf.....	3,660	4,298	6,241	4,502	4,583	68,639	20,332	11,873	1,311,513
Quicksilver.....	.....	.....	.....	.....	.....	.....	.....	.....	94,335
Artificial flowers and jewelry.....	24,420	3,126	11,217	8,557	45,283	121,013	114,738	66,397	50,471
Trunks.....	10,613	5,270	6,126	5,099	10,370	12,207	15,035	27,148	32,673
Bricks and lime.....	12,578	17,623	24,174	8,671	16,348	22,045	13,539	32,625	33,194
Articles not enumerated.....	1,379,566	1,108,984	1,137,828	1,408,278	3,893,071	3,793,341	2,877,659	3,788,700	4,953,712
Total.....	11,139,582	10,476,345	12,858,758	11,280,075	15,196,451	20,186,967	18,862,931	22,599,930	26,179,503
Gold and silver coin.....	423,851	62,620	2,700,412	956,874	2,046,679	18,069,580	37,437,837	23,548,535	38,062,570
	11,563,433	10,538,965	15,559,170	12,236,949	17,243,130	38,256,547	56,300,768	46,148,465	64,242,073

No. 13.

Statement exhibiting the value and amount of duties on articles which were imported during the fiscal year ending June 30, 1854, and now made free by the reciprocity treaty.

Articles.	Rate of duty per ct.	Value of articles.	Duties.
Grain, flour, and breadstuffs.....	20	\$3,906,073 00	\$781,214 60
Animals, free.....	...	75,406 00	
dntiable.....	20	225,642 00	45,128 40
Fresh, smoked, and salted meat.....	20	5,184 00	1,036 80
Cotton-wool, free.....	...	125 00	
Seeds, plants, shrubs, &c., free.....	...	18,210 00	
dntiable.....	20	555 00	111 00
Vegetables.....	20	102,806 00	20,561 00
Undried fruits.....	20	13,692 00	2,738 40
Dried fruits.....	20	31 00	6 20
Fish of all kinds.....	20	901,671 00	180,334 20
Products of fish and of all other crea- tures living in the water.....			
Poultry.....	20	1,016 00	203 20
Eggs.....	20	5,500 00	1,100 00
Hides and skins.....	5	34,729 00	1,734 45
Furs, undressed.....	10	13,920 00	1,392 00
Tails, undressed.....	20	8 00	1 60
Unwrought stone.....	10	10,758 00	1,075 80
Unwrought marble.....	4	4 00	80
Butter.....	20	126,811 00	25,362 20
Cheese.....	30	127 00	38 10
Tallow.....	10	37 00	3 70
Lard.....	20	837 00	167 40
Horns.....	5	1,421 00	71 05
Manures.....			
Ores of metals, free.....	..	18,790 00	
dntiable.....	20	516 00	103 20
Coal.....	30	254,775 00	76,432 50
Pitch, tar, and turpentine.....	20	75 00	15 00
Ashes.....	20	4,441 00	888 20
Fire and other wood.....	30	728,688 00	218,606 40
All other wood.....	20	574,051 00	114,810 20
Pelts.....	20	24,639 00	4,927 80
Wool.....	30	69,182 00	20,754 60
Fish oil.....	20	110,402 00	22,080 40
Rice.....			
Broom corn.....			
Bark.....	20	978 00	195 60
Gypsum, ground.....	20	353 00	70 60
free, unground.....	...	113,312 00	
Grindstones.....	5	23,265 00	1,163 25
Dye-stuffs.....	5	14,717 00	735 85
Hemp, flax, tow, unmanufactured.....			
Tobacco, unmanufactured.....	30	2,915 00	874 50
Rags.....	5	12,696 00	634 80
Total.....		7,398,358 00	1,524,457 40

No. 14.

REPORT OF THE FIRST AUDITOR.—ABSTRACT.

It is the duty of the First Auditor to receive all accounts accruing in the Treasury Department, and after examination to certify the balance, and transmit the accounts with the vouchers and certificates to the First Comptroller, for his decision thereon; except in relation to the receipts from the customs and the accounts of custom-house officers, the supervision of which has been transferred to the Commissioner of Customs, to whom the First Auditor reports.

Statement of accounts accruing in the First Auditor's Office, adjusted and reported from 1st July, 1853, to June 30, 1854.

RECAPITULATION.

Accounts.	No. of acc'ts.	Receipts.
Accounts of collectors of the customs, as such.....	1,810	\$89,739,221 16
Accounts of collectors under steamboat act.....	163	43,209 75
		<hr/>
		Payments.
Accounts of collectors as disbursing agents of the treasury	851	\$5,627,541 35
Accounts of official emoluments of collectors, naval officers, and surveyors.....	317	663,790 18
Accounts of additional compensation to ditto.....	96	22,330 90
Claims for the refunding of duties illegally exacted.....	309	102,384 99
Judgments against revenue officers, with costs of suits, and claims for net proceeds of unclaimed merchandise.	27	21,854 32
Claims for duties on goods destroyed by fire while in United States bonded warehouses.....	2	8,404 19
Judiciary accounts.....	643	718,084 83
Accounts for the payment of interest on the public debt..	45	9,114,980 38
Treasury notes presented for funding and redemption...	22	2,300 66
Accounts for payment of interest on treasury notes.....	6	32 43
Redemption of United States war bounty scrip.....	24	4,425 00
Mexican indemnity stock redeemed.....	5	903 27
Claims for property lost in the military service of the U. S.	14	925 26
Accounts of inspectors of steam vessels.....	143	17,322 04
Salaries of officers of civil list, paid directly from treasury	1,123	250,068 87
Accounts for the redemption of United States stock.....	1,947	21,649,340 58
Accounts of superintendents of lights.....	416	816,431 95
Accounts of agents of marine hospitals.....	474	286,927 12
Accounts of Commissioner of Public Buildings.....	150	556,441 95
Accounts of contingent expenses of the Senate and House, and of the departments and bureaus, &c.....	462	1,008,435 98
Accounts of Coast Survey.....	31	457,236 75
Accounts of the Treasurer of the United States for general receipts and expenditures.....	4	70,780,779 20
Accounts of the Treasurer of U. States for pay and mileage of the members of the House of Representatives.....	2	321,342 57
Accounts of designated depositaries for additional compensation.....	29	19,349 45
Accounts for construction and repair of public buildings	434	1,862,616 05
Accounts, territorial.....	42	161,946 95
Accounts, miscellaneous.....	402	4,595,316 79
Accounts of disbursing clerks for payment of salaries....	252	1,505,258 14
Accounts of disbursing agent of California land commissioners.....	4	95,739 47
Accounts, mint.....	62	701,099 74
Accounts of withdrawal of application for patents, &c....	8	20,470 31
		<hr/>
		Penalties.
Accounts for penalties imposed under the 21st section of the act of March 2, 1799.....	7	\$32,000 00
Number of letters written.....	5,760	
Number of accounts recorded.....	10,326	

No. 15.

REPORT OF THE SECOND AUDITOR.

This report shows the number of money accounts settled, and the number of property accounts examined and adjusted during the fiscal year ending the 30th June, 1854.

The number of the money accounts, embracing the pay of the several departments of the army, the recruiting service, volunteers, military asylum, Indian affairs, and private claims, was 2,097, and the amount of payments made \$6,308,416 18.

The number of property accounts examined and adjusted was 1,863. Besides these important items, the business of the office was to register recruits of the army to the number of 3,608, requisitions on the Treasury to the number of 1,739, letters, &c., received to the number of 11,104, dead and discharged soldiers to the number of 1,795, and private claims to the number of 1,195. It had also to write, record and mail 5 438 letters.

No. 16.

REPORT OF THE THIRD AUDITOR.

This report shows that the business of the office during the past fiscal year has been arduous and extensive. The number of accounts examined was upwards of 8,000, besides 21,125 bounty land cases. 3,486 letters were written and recorded. The amount paid on the whole number of accounts settled in the office to 30th June, 1854, or the last fiscal year, was \$17,360,098 12. Prior to the 1st July, 1853, there were outstanding balances on the docket to the amount of \$7,189,787 53. This sum included the amount on the books prior to 1820. During the year these balances have been reduced \$996,174 42, leaving the amount of balances outstanding on the 1st July, 1854, \$6,193,613 11.

No. 17.

REPORT OF THE FOURTH AUDITOR.

By this report, it appears that the whole number of accounts audited during the fiscal year, embracing those of pursers, navy agents, in and out of the United States, disbursing officers of the marine corps, navy pension agents, timber agents, mail steamers, and miscellaneous, was 782, involving a disbursement of \$15,003,487.

No. 18.

REPORT OF THE FIFTH AUDITOR.

In this office the number of accounts examined and adjusted was 745. They consisted of the accounts of the Foreign Missions of every class, including consuls and commercial agents, the claims of owners and masters of vessels for bringing home destitute seamen, of citizens for indemnities awarded them under conventions with foreign governments, of persons employed on the boundary survey between the United States and Mexico, of citizens of Oregon for services and losses in wars with the Cayuse Indians, of the disbursing agents of the Departments of State and Post Office, and those for expenses of the Census and Patent Offices. Three hundred and twenty letters on the business of the office were written and recorded, in addition, and all effected by six clerks.

No. 19.

REPORT OF THE SIXTH AUDITOR.

The number of accounts examined, adjusted and settled in this office during the year was 153,319. The settlement of these accounts involved the receipt of 122,653 letters and the preparation and transmission of 70,785 letters and packages, the issuing of 65,187 collective orders and 13,092 error accounts to postmasters, besides making reports and answering calls in obedience to resolutions of Congress. This amount of business has been effected by a force of 110 clerks. The auditor asks for five additional clerks, six assistant messengers, and further accommodation for his clerks and for the filing and safe-keeping of the accounts of the office.

No. 20.

REPORT OF THE FIRST COMPTROLLER.

The number of accounts revised by this officer during the year was 10,267. The number of warrants, countersigned by him and entered in the appropriate books of his office, was 18,652. The amount drawn from the Treasury by these warrants was \$76,660,026 38, and the amount of the warrants for conveying money into the Treasury from the customs, lands, and other sources \$73,802,291 40. The Comptroller asks for additional clerks, and states that the public service would be greatly promoted by having the head of a bureau and the clerks, if not over fifty, in the same room.

No. 21.

REPORT OF THE SECOND COMPTROLLER.

In this office there have been 5,400 accounts revised and entered upon the books, 6,528 requisitions examined, countersigned and entered, and official letters written covering 555 pages of folio post. During the same time more than 100 decisions have been made in appeal cases, many of them requiring elaborately written opinions and the examination of numerous vouchers.

The Comptroller recommends a change in the policy of appointing clerks to his office. He thinks it would promote the public interest if the salaries were of a higher grade, so as to make the transfer of clerks from the several auditors to his office a promotion. The nature of the business in the offices of the former being the same, those clerks who have become familiar with it, should look forward to a transfer to the Comptroller's office as a reward for faithful services; and thus the policy would in the end prove economical to the government.

No. 22.

REPORT OF THE COMMISSIONER OF CUSTOMS.

In this office the accounts of Collectors of the Customs, embracing receipts and expenditures of revenue, an examination of the estimates upon which the monthly remittances are made to disbursing agents, the quarterly accounts of these agents, marine hospital, light-house, and special accounts, and the correspondence growing out of these several subjects, form the duties of the Commissioner and his clerks. There is no statistical account of the number of the several items, but it is stated that "no portion of the business of the office has been suffered to fall into arrears."

No. 23.

REPORT OF THE FIRST COMPTROLLER ON OLD BALANCES.

The purpose of this report will be more distinctly shown by the following:

RECAPITULATION.

Total amount referred to this office for examination and settlement.....	\$76,320,358 41
This amount has been closed.....	\$65,237,291 47
Permanent investments.....	3,340,058 77
Post Office appropriation.....	482,657 00
Due from banks.....	2,146,020 07
Referred to the Commissioner of Customs.....	66,875 18
Referred to the Second Comptroller.....	130,582 26
Action of Congress necessary.....	333,545 44
This amount will be probably collected.....	191,299 36
This amount will probably be reduced by accounts rendered and to be rendered.....	885,667 12
This amount desperate, or nearly so.....	583,075 77
Emolument accounts.....	49,877 81
Internal revenue, generally desperate.....	546,085 07
Land Office balances.....	1,326,293 09
Corrections.....	1,001,020 00
	<u>\$76,320,358 41</u>

No. 24.

REPORT OF THE SECOND COMPTROLLER ON OLD BALANCES.

In the Second Comptroller's office, balances due on the books of the 2d, 3d, and 4th Auditors respectively, are examined, and suits instituted against disbursing agents who fail to render their accounts and vouchers. By this report it appears that in November, 1853, these balances amounted to \$14,741,254 74; which, on the 30th of September, 1854, had been reduced to \$9,640,266 43; showing a reduction, by settlement of accounts, of \$5,100,988 31. Many suits for amounts still due are now pending before the courts.

No. 25.

REPORT OF THE COMMISSIONER OF CUSTOMS OF OLD BALANCES.

SUMMARY STATEMENT.

Amount of balances outstanding on the books of the treasury, as per certificate of Register, November, 1853, viz:

Bonds in suit.....	\$5,585,340 92
From collectors and disbursing agents.....	4,608,651 54
From persons acting in other capacities.....	1,698,497 49
	<hr/> 11,892,489 95

Amount outstanding on the books of the treasury, on the 1st September, 1854, viz:

Bonds in suit.....	\$5,585,340 92
Balance due on old accounts, which had been put in suit prior to April 1, 1853.....	3,359,834 31
Due from collectors and disbursing agents.....	283,385 00
Due from persons acting in other capacities.....	140,057 00
	<hr/> 9,368,617 23

Showing a decrease since November 1, 1853, of..... 2,523,872 72

No. 26.

REPORT OF THE REGISTER.

The business of this office has been augmented, nearly fourfold within the last ten years. It consists chiefly in registering warrants of every description. The following comparative view will show the increase in twenty years:

In 1834, the number of warrants issued to cover moneys paid into the treasury on account of receipts from customs, lands, and miscellaneous sources, was.....	765
In 1844, the number was.....	876
In 1854, it was.....	3,217

All these are entered five times in the various books of the office.

The number of warrants for expenditures under the head of Civil, Miscellaneous, Foreign Intercourse, and Public Debt, was as follows:

In 1834.....	2,564
In 1844.....	3,314
In 1854.....	9,518

These are all copied in full and afterwards entered in three appropriate books.

The personal accounts under the above heads have been also increased in the same ratio:

In 1834 they amounted to.....	526
In 1844 " ".....	586
In 1854 " ".....	2,475

The number of personal accounts is greatly increased also by the augmentation in the number of specific appropriations within the last few years.

All the appropriation accounts are kept in this office—these are divided into six ledgers, embracing about 1,700 specific accounts.

Powers of attorney and other evidences for collection of interest on United States stock, are forwarded to this office for record, and acknowledgment made of their receipt.

An alphabetical arrangement of unclaimed dividends is also prepared in this office, together with transcripts for suit, many of which last call for much labor and time.

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No. 27.

REPORT OF THE SOLICITOR.

This report shows by two voluminous tabular statements the number of suits brought by the United States in the several States and Territories, the present condition of these suits, and the amount collected within the fiscal year.

The amount collected on suits brought during the year is.....\$118,526 11

The amount collected during the year on suits brought previous
to its commencement, is..... 232,709 48

Making the total collected during the year..... 351,235 59

The number of suits brought during the year is 586, of these 287 have been tried and decided—142 for, and 145 against the United States.

Besides the account of suits brought, this office keeps a register of the lands purchased by agents of the United States or set off by extent under laws of the States, in payment of debts due the United States, as well as lands sold by special agents, and lands still in charge of the solicitor. This is also a tabular statement occupying nearly 100 pages.

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No. 29.

REPORT OF THE TREASURER.

The following tables will show the nature of the duties, and the results of the operations, of this office during the fiscal year.

The receipts of money covered into the treasury during the past year, by 4,781 warrants, were:

For customs, lands, and miscellaneous.....	\$75,023,370 40
For interior department.....	528,495 74
For military department.....	8,800,941 72
For naval department.....	950,565 73

Total.....	85,303,373 59
------------	---------------

The payments out during the same time on 13,898 warrants, and about the same number of drafts, were:

For civil, miscellaneous, diplomatic, and public debt.....	\$51,505,661 29
For interior department.....	3,319,405 82
For military department.....	20,534,571 20
For naval department.....	11,749,151 26

Total.....	87,108,789 57
------------	---------------

The amount deposited with sundry depositories to the credit of
the Treasurer, for the service of the Post Office Department, was \$4,382,946 10
And payments made on 5,578 post office warrants..... 3,703,838 06

Balance at close of fiscal year.....	679,108 06
--------------------------------------	------------

The following is an exhibit of the operations of the money branch of this office for the last fiscal year, and, for the reason that its expansion is of a recent date, it is extended over the first quarter of the present fiscal year, for the purpose of showing more satisfactorily its present condition and increasing importance.

For fiscal year ending June 30, 1854:

Receipts.—For transfer drafts, and from collectors, postmasters, and
other officers and persons..... \$4,564,444 07

Payments.—On drafts drawn by Treasurer United States..... \$4,462,999 24

Payments.—For disbursing officers, including compensation of members of House of Representatives, 10,013 checks and Speaker's certificates.....\$3,011,657 78
Interest on loans, 6,426 coupons..... 170,870 00
Interest transferable stock..... 79,632 01

\$3,262,159 79

The following summary for the quarter ending 30th September, 1854, will show the progressive increase of business consequent upon keeping accounts with disbursing officers.

Payments.—Of 5,050 checks.....\$1,679,114 10
Interest on loans, 2,428 coupons..... 62,200 00
Interest transferable stock..... 34,981 98

\$1,776,296 08

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No. 30.

REPORT ON THE PUBLIC DEPOSITORIES.

This report embraces the instructions of the Secretary of the Treasury to the several special agents appointed to examine the books, accounts, and money on hand in the offices of all the assistant treasurers and designated depositories, consisting of twenty-four, and the report of the examinations made by Mr. M. Gouge. This report shows that the amount of money found in each depository corresponded with the amount called for by the books and returns, except that at Pittsburgh, which had been robbed of \$9,956 62.

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No. 31.

Statement exhibiting the amount of coin and bullion imported and exported annually, from 1821 to 1854 inclusive; and also the amount of importation over exportation, and of exportation over importation, during the same years.

Years ending :	Coin and bullion.			
	Imported.	Exported.	Excess of importat'n over exportation.	Excess of exportat'n over importation.
September 30.....1821	\$8,064,890	\$10,478,059	.....	\$2,413,169
1822	3,369,846	10,810,180	.....	7,440,334
1823	5,097,896	6,372,987	.....	1,275,091
1824	8,379,835	7,014,552	\$1,365,283	
1825	6,150,765	8,932,031	.....	2,781,269
1826	6,880,966	4,704,533	2,176,433	
1827	8,151,130	8,014,880	136,250	
1828	7,489,741	8,243,476	.....	753,735
1829	7,403,612	4,924,020	2,479,592	
1830	8,155,964	2,178,773	5,977,191	
1831	7,305,945	9,014,931	.....	1,708,986
1832	5,907,504	5,656,340	251,164	
1833	7,070,368	2,611,701	4,458,667	
1834	17,911,632	2,076,758	15,834,874	
1835	13,131,447	6,477,775	6,653,672	
1836	13,400,881	4,324,336	9,076,545	
1837	10,516,414	5,976,249	4,540,165	
1838	17,747,116	3,508,046	14,239,070	
1839	5,595,176	8,776,743	.....	3,181,567
1840	8,882,813	8,417,014	465,799	
1841	4,988,633	10,034,332	.....	5,045,699
1842	4,087,016	4,813,539	.....	726,523

No. 31—Continued.

Years ending:	Coin and bullion.			
	Imported.	Exported.	Excess of importat'n over exportation.	Excess of exportat'n over importation.
9 months to June 30, 1843	\$22,390,559	\$1,520,791	\$20,869,768	
Year ending June 30, 1844	5,830,429	5,454,214	376,215	
1845	4,070,242	8,606,495		\$4,536,253
1846	3,777,732	3,905,268		127,536
1847	24,121,289	1,907,024	22,214,265	
1848	6,360,224	15,841,616		9,481,392
1849	6,651,240	5,404,648	1,246,592	
1850	4,628,792	7,522,994		2,894,202
1851	5,453,592	29,472,752		24,019,160
1852	5,505,044	42,674,135		37,169,091
1853	4,201,382	27,486,875		23,285,493
1854	6,758,587	41,197,300		34,438,713
Total.....	285,438,702	334,355,370	112,361,545	161,278,213

No. 32.

Gold and silver coinage at the Mint of the United States in the several years, from its establishment, in 1792, and including the coinage of the branch mints from 1838, to September 30, 1854.

Years.	Gold.	Silver.	Aggregate.
1793.....	\$71,485 00	\$379,683 80	\$442,168 80
1794.....			
1795.....			
1796.....	102,727 50	79,077 50	181,805 00
1797.....	103,422 50	12,591 45	116,013 95
1798.....	205,610 00	330,291 00	535,901 00
1799.....	213,285 00	423,515 00	636,800 00
1800.....	317,760 00	224,296 00	542,056 00
1801.....	422,570 00	74,758 00	497,328 00
1802.....	423,310 00	58,343 00	481,653 00
1803.....	258,377 50	87,118 00	345,495 50
1804.....	258,642 50	100,340 50	358,983 00
1805.....	170,367 50	149,388 50	319,756 00
1806.....	324,505 00	471,319 00	795,824 00
1807.....	437,495 00	597,448 75	1,034,943 75
1808.....	284,665 00	684,300 00	968,965 00
1809.....	169,375 00	707,376 00	876,751 00
1810.....	501,435 00	638,773 50	1,140,208 50
1811.....	497,905 00	608,340 00	1,106,245 00
1812.....	290,435 00	814,029 80	1,104,464 50
1813.....	477,140 00	620,951 50	1,098,091 50
1814.....	77,270 00	561,687 50	638,957 50
1815.....	3,175 00	17,308 00	20,483 00
1816.....	.....	28,575 75	28,575 75
1817.....	.....	607,783 50	607,783 50
1818.....	242,940 00	1,070,454 50	1,313,394 50
1819.....	258,615 00	1,140,000 00	1,398,615 00
1820.....	1,319,030 00	501,680 70	1,820,710 70

No. 32—Continued.

Years.	Gold.	Silver.	Aggregate.
1821.....	\$189,325 00	\$825,762 45	\$1,015,087 45
1822.....	88,980 00	805,806 50	894,786 50
1823.....	72,425 00	895,550 00	967,975 00
1824.....	93,200 00	1,752,477 00	1,845,677 00
1825.....	156,385 00	1,564,583 00	1,720,968 00
1826.....	92,245 00	2,002,090 00	2,094,335 00
1827.....	131,565 00	2,869,200 00	3,000,765 00
1828.....	140,145 00	1,575,600 00	1,715,745 00
1829.....	295,717 50	1,994,578 00	2,290,295 50
1830.....	643,105 00	2,495,400 00	3,138,505 00
1831.....	714,270 00	3,175,600 00	3,889,870 00
1832.....	798,435 00	2,579,000 00	3,377,435 00
1833.....	978,550 00	2,759,000 00	3,737,550 00
1834.....	3,954,270 00	3,515,002 00	7,369,272 00
1835.....	2,186,175 00	3,443,003 00	5,629,178 00
1836.....	4,135,700 00	3,606,100 00	7,741,800 00
1837.....	1,148,305 00	2,096,010 00	3,244,315 00
1838.....	1,809,595 00	2,333,243 00	4,142,838 00
1839.....	1,355,885 00	2,189,296 00	3,545,181 00
1840.....	1,675,302 50	1,726,703 00	3,402,005 50
1841.....	1,091,597 50	1,132,750 00	2,224,347 50
1842.....	1,834,170 50	2,332,750 00	4,166,920 50
1843.....	8,108,797 50	3,834,750 00	11,943,547 50
1844.....	5,428,230 00	2,235,550 00	7,663,780 00
1845.....	3,756,447 50	1,873,200 00	5,629,647 50
1846.....	4,038,177 50	2,558,580 00	6,592,757 50
1847.....	20,221,385 00	2,374,450 00	22,595,835 00
1848.....	3,775,512 50	2,040,050 00	5,815,562 50
1849.....	9,007,761 50	2,114,950 00	11,122,711 50
1850.....	31,981,738 50	1,866,100 00	33,847,838 50
1851.....	62,614,492 00	774,397 00	63,388,889 00
1852.....	56,846,187 50	999,410 00	57,845,597 50
1853.....	46,998,945 60	6,996,255 00	53,995,200 60
1854.....	66,302,388 86	14,072,400 00	80,374,788 86
Total.....	350,092,954 46	100,290,026 90	450,382,981 36

No. 33.
Statement of the amount of gold of domestic production deposited at the Mint of the United States and its branches to September 30, 1854.
 MINT OF THE UNITED STATES, PHILADELPHIA.

Periods.	Virginia.	North Carolina.	South Carolina.	Georgia.	Tennes-see.	Ala-bama.	New Mexico.	California.	Oregon.	Various sources.	Total.
1804 to 1827.....		\$110,000			\$12,400						\$110,000 00
1828 to 1837.....	\$427,000	2,519,500	\$327,500	\$1,763,900	\$12,400					\$13,200	5,063,500 00
1838 to 1847.....	518,294	1,303,636	152,366	566,316	16,499	\$45,493				21,037	2,623,641 00
1848.....	57,886	109,034	19,228	3,497	3,497	3,670		\$44,177 00			241,544 00
1849.....	129,382	102,688	4,309	10,525	2,739	2,977	32,889	5,841,439 00		144	5,767,092 00
1850.....	65,991	43,734	759	5,114	307	1,178	5,392	31,667,505 00		326	31,790,306 00
1851.....	69,052	49,440	12,338	2,490	126	817	890	46,939,367 00			47,074,520 00
1852.....	83,626	65,248	4,505	3,420		254	814	49,663,623 00			49,821,490 00
1853.....	52,200	45,690	3,522	1,912			3,632	52,732,227 00	\$13,535	5,213	52,857,931 00
1854 to Sept. 30...	16,700	16,900		15,900				30,869,180 05			30,918,680 05
Total.....	1,420,131	4,365,870	524,527	2,372,947	35,568	54,389	44,299	217,397,518 05	13,535	39,920	226,268,704 05

BRANCH MINT AT NEW ORLEANS.

1838 to 1847.....				\$37,364	\$1,772	\$61,903				\$3,613	\$119,699 00
1848.....			1,488	2,317	947	6,717		\$1,124 00			12,593 00
1849.....			423			4,062		669,921 00		2,783	677,189 00
1850.....						3,560		4,575,567 00		894	4,580,021 00
1851.....						1,040		8,769,682 00			8,770,722 00
1852.....								3,777,784 00			3,777,784 00
1853.....								2,006,673 00			2,006,673 00
1854 to Sept. 30...								863,592 83			863,592 83
Total.....		741	16,217	39,681	2,719	77,282		20,664,343 83		7,290	20,808,273 83

No. 34.

Estimates of the amount of gold and silver in the United States at different periods.

Year.	Specie in circulation.	Specie in the banks.	Total in the country.	Authorities.
	<i>Millions.</i>	<i>Millions.</i>	<i>Millions.</i>	
1816.....	\$7½	\$15 to 19	\$22½ to 26	Crawford and Gallatin.
1819.....	8	29	37	Crawford.
1819.....	.....	15½	.....	Congressional report.
1820.....	.....	19½	.....	Gallatin.
1829.....	8½	22½	31½	Woodbury.
1830.....	10	22	32	Gallatin.
1830.....	8	15	23	Sanford.
1833.....	12	30½	42½	Congressional report.
1833.....	4	25	29	Taney.
1836.....	25	40	65	Woodbury.
1837.....	35	38	73	Woodbury.
1838.....	52½	35	87½	Woodbury.
1839.....	42	45	87	Hazard, (Commercial Register.)
1840.....	50	33	83	Woodbury.
1841.....	35 to 45	35	70 to 80	Gouge, (Journal of Banking.)
1844.....	50	50	100	Hunt, (Merchants' Magazine.)
1845.....	52	44	96	Bank returns and estimates.
1846.....	55	42	97	Bank returns and estimates.
1847.....	85	35	120	Bank returns and estimates.— (Constitutional treasury began to operate.)
1848.....	66	46	112	Bank returns and estimates.
1849.....	77	43	120	Bank returns and estimates.
1850.....	109	45	154	Bank returns and estimates.
1851.....	138	48	186	Bank returns and estimates.
1852.....	.....	.....	204	Estimates.
1853.....	.....	.....	236	Estimates.
1854.....	181	60	241	Bank returns and estimates.

No. 35

Is a tabular statement, showing the number of disbursing officers having public money to their credit, with the depositories at the principal cities in the United States, and the amounts so held by each depository according to returns made for dates specified.

The aggregate number of disbursing officers, according to the table, is 221, and the aggregate of amounts held by the depositories, \$3,217,211 90.

No. 37.

REPORT OF THE LIGHT HOUSE BOARD.

This report, of 63 pages, with its accompaniments, shows the gradual increase in the number of lights and beacons, the annual increase in the consumption of oil and in its price. On the 31st of August, 1852, there were 349 light houses and beacon lights existing, or authorized, of which 5 were fitted with lens apparatus. By the 30th June, 1856, there will be 510 light houses and beacon lights for the Atlantic, Gulf and Lake coast, viz: Lights of the first class 45; of the 2d class, 30; of the 3d class, 21; of the 4th class, 225; of the 5th class, 103; and of the 6th class, 86. On the Pacific coast, (in California, Oregon and Washington,) there will be a total of 21. Which, together with 47 light vessels, will make an aggregate of 578 lights; but as it is probable that about 21 of these lights will be discontinued as unnecessary for the interests of navigation, there will be for the entire coast of the United States, 557 lights, to be annually provided for.

The aggregate appropriations for the current fiscal year, for the entire coast, Atlantic, Gulf, Lake and Pacific, amount to \$911,561 43.

No. 38.

REPORT OF THE ENGINEERS IN CHARGE OF BUILDINGS UNDER THE
SUPERVISION OF THE TREASURY DEPARTMENT.

This report shows the progress which has been made in the construction of custom houses, mints, marine hospitals, and other public edifices, in the several States and Territories, the amounts expended, balances available, and debts due on each.

No. 39

Is a report of the same engineer on the selection of sites for custom houses, &c.

No. 40

Is a list of sites recommended by the engineer for custom houses in eight several cities.

No. 41.

Instructions of the Secretary of the Treasury to Richard Smith and J. C. Pickett, Esquires, with the report of those gentlemen of their examination of the mint at Philadelphia. The principle object of this examination was to ascertain the extent and manner of a fraud committed by the weigh-clerk employed in the mint, and to inquire into the system of accountability prevailing in the operations of that establishment. The document embraces also the general regulations for the mint and its branches and the assay office, from the director of the mint.

No. 43

Is a tabular statement of the operations of marine hospitals, including other arrangements (where there are no hospitals) for affording relief to seamen in ports of the United States, during the fiscal year ending June 30th, 1854. This table shows the amount of money received at the various ports, the amount expended for relief, the average number of patients relieved, the number of days relief was afforded, and the cost per day for each patient.

No. 44.

REPORT OF THE BOARD OF SUPERVISING INSPECTORS OF STEAM-BOATS.

Local Districts.	Number of steam vessels to which certificates have been granted.	Number of steamers reported for violation of the law.	Number of accidents, of such a character as to come within the cognizance of the law, that have occurred since last report.	Number of boilers found defective upon inspection.	Number of pilots licensed.	Number of engineers and assistants licensed.	Number of pilots and engineers to whom licenses have been refused.	Number of licenses to pilots and engineers revoked.	Amount of tonnage of steam vessels inspected.
1—Portland.....	8		2		12	17			4,447
Boston.....	26			2	28	33	1		11,289
New London.....	19				21	19			7,707
2—New York.....	112		3		159	338			68,210
Philadelphia*					53	83	3	3	
3—Baltimore.....	31	2	1	2	57	57	13	1	12,640
Norfolk.....	11				15	18			2,164
Charleston.....	15		1	1	34	36			5,050
Savannah†									
4—New Orleans.....	91			9	255	310		18	30,694
Mobile.....	30	2	21	13	111	99	2	5	7,644
Galveston.....	10	3	2		13	19		2	1,450
San Francisco*	25	2		1	11	75			
5—St. Louis.....	100	12	33	5	385	345	7	20	32,267
6—Louisville.....	88		3	4	150	205	6	3	28,104
Nashville.....	39	1	1		78	81	2	3	9,571
7—Pittsburg.....	69	4			133	179	12	5	14,144
Wheeling.....	28		2		82	135		1	
Cincinnati.....	68	27		3	242	220	7	19	
8—Chicago*.....	9	2	3		23	23			
Detroit.....	30	8	2	5	63	48			12,612
Supervising.....	17	2	2	1	29	27	1		2,129
9—Buffalo.....	43		1	1	94	102			40,150
Cleveland.....	12				46	24			6,999
Oswego.....	5				25	19			4,185
Burlington.....	7				16	12			4,600

* Report not complete. † No report received, on account of prevalence of yellow fever.

No. 45.

A REPORT ON EXPERIMENTS IN FUSIBLE ALLOYS.

These experiments had for their object the safety of steamers, the alloys being intended for use in the construction of steam boilers. The result, thus far, has been the discovery of ten alloys, which are considered of sufficient reliability for ordinary use.

No. 46.

This is a tabular statement of the steamboats destroyed by various causes, from January to June, 1854. By this it appears that the whole number of steamers destroyed was 63, the number of lives lost 516, and the amount of property lost \$2,244,500. The causes of the accidents were collision 10, fire 17, ice 5, snagged 23, explosion 8.

No. 47.

Statement exhibiting the total value of imports, and the imports consumed in the United States, exclusive of specie, during each fiscal year, from 1821 to 1854: showing also the value of foreign and domestic exports, exclusive of specie, and the tonnage employed during the same periods.

	In 1821.	In 1854.
The total imports, including specie, was.....	\$62,585,524	\$304,562,381
Do. imports entered for consumption, exclusive of specie.....	43,696,405	275,987,839
Do. domestic produce exported, exclusive of specie.....	43,671,894	215,157,504
Do. foreign merchandise imported, exclusive of specie.....	10,824,429	21,691,922
Do. exports, including specie.....	64,974,382	278,241,064
Do. tonnage.....	1,298,958	4,802,903

No. 48.

Statement exhibiting the value of foreign merchandise imported, re-exported, and consumed, annually, from 1821 to 1854, inclusive; and, also, the estimated population and rate of consumption, *per capita*, during the same period. The following is the result of the first and last of these years:

	In 1821.	In 1854.
Imported.....	\$62,585,524	\$304,562,381
Re-exported.....	\$21,302,488	\$24,850,194
Consumed and on hand.....	\$11,283,236	\$279,712,187
Population.....	9,960,974	25,750,000
Consumption per capita.....	\$414	\$10.00

No. 49.

Statement exhibiting the quantity and value of tobacco and rice exported annually, from 1821 to 1854, inclusive. The following is a comparison between the first and last mentioned era:

	Tobacco, hhds.	Value.	Rice, tierces.	Value.
1821.....	66,858	\$5,648,962	88,221	\$1,494,307
1854.....	126,107	10,016,046	105,121	2,634,127
Aggregate for the whole series of years, from 1821 to 1854, inclusive, }	3,683,479	253,594,632	3,958,232	74,810,800

No. 50.

Statement showing the aggregate value of breadstuffs and provisions exported annually from 1821 to 1854. The following will show the same for the first and last of these years and the aggregate of the whole series:

In 1821, the amount was	\$12,341,901
1854 do.	65,901,240
Aggregate for the 34 years, 681,899,525, or more than 20 millions annual average.	

No. 51.

Statement exhibiting the quantity and value of cotton exported annually from 1821 to 1854. The following abstract shows the same for the first and last year mentioned, the aggregate for the whole series of years, and the average prices per pound:

	Pounds.	Value.
In 1821, cotton of all sorts.....	124,893,405	\$20,157,484
1854 do.	987,833,106	93,596,220
Aggregate of all the years.....	17,466,839,639	1,742,103,898
Average price per pound annually for the whole period a little more than 10 cts.		

No. 52.

Statement exhibiting the value of imports, annually, from 1821 to 1854. The following abstract shows the value for the first and last years, and the aggregate of the whole number of years embraced in the table. The imports were specie and bullion, merchandise free of duty, and merchandise paying duty.

For 1821, the whole amount of imports under those heads, was...	\$62,585,724
1854 do. do.	305,780,253
The aggregate amount for the whole period.....	4,372,022,569
Or, an annual average of.....	128,588,889

No. 53.

Statement exhibiting the value of dutiable merchandise re-exported, annually, from 1821 to 1854, inclusive; and showing also the value re-exported from warehouses, under the act of August 6, 1846. This abstract gives the amounts for the two years as above, and the aggregate for the whole period:

In 1821, the value of dutiable merchandise re-exported, was...	\$10,537,731
1854 do. do.	17,406,172
And the value re-exported from warehouses in this year.....	14,500,136
The aggregate value of merchandise re-exported, not from warehouses, was.....	\$347,737,176
The aggregate value of merchandise re-exported, from warehouses,	47,471,675

Making the total of dutiable merchandise re-exported, for the
34 years..... \$395,208,851

No. 54.

Statement showing the value of goods remaining in warehouses at the close of each quarter from September 30, 1847, to June 30, 1854, as exhibited by the quarterly returns of the collectors of the customs, under the provision of the act of August 6, 1846, and also the amount of duties payable thereon.

From this statement it appears that the average quarterly value of goods remaining in warehouses is \$8,625,642 00, and the average duties payable thereon \$2,913,463 54.

No. 55.

Statement exhibiting the quantity of wine, spirits, &c., imported annually from 1843 to 1854, inclusive.

By this statement it appears that there were imported during the twelve years, of wine in casks, of all qualities, 51,867,411 gallons, or an annual average of 4,322,284 $\frac{1}{2}$ gallons; that the aggregate value of this wine was \$14,198,248, or an average yearly value of \$1,133,187 33. That there were imported of distilled spirits 36,711,441 gallons, or an average of 3,059,286 $\frac{3}{4}$ gallons per annum; the aggregate value of which was \$22,794,452, or an average yearly value of \$1,899,577 66. That there were of beer, ale and porter, from England and Scotland 3,594,455 gallons, the total value of which was \$2,408,617.

No. 56.

Statement exhibiting the value of certain articles imported during the years ending June 30, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, and 1854, (after deducting the re-exportations,) and the amount of duty which accrued on each during the same periods, respectively.

Articles.	1844.		1845.		1846.		1847.		1848.		1849.	
	Value.	Duties.	Value.	Duties.	Value.	Duties.	Value.	Duties.	Value.	Duties.	Value.	Duties.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
Woolens...	9,408,279	3,213,495	10,504,423	3,731,014	9,935,925	3,480,797	10,639,473	3,192,293	15,061,102	4,196,007	13,503,202	3,723,768
Cottons....	13,236,830	4,850,731	13,360,729	4,908,272	12,837,422	4,865,483	14,704,186	3,956,798	17,205,417	4,166,573	15,183,759	3,769,565
Hempen...	865,427	213,862	801,661	198,642	696,888	138,394	625,871	121,588	606,900	121,380	460,335	92,067
Iron, and manuf of	2,395,760	1,607,113	4,075,142	2,415,003	3,660,581	1,629,581	8,710,180	2,717,378	7,060,470	2,118,141	9,262,567	2,778,770
Sugar.....	6,897,245	4,597,093	4,049,708	2,555,075	4,397,239	2,713,866	9,406,253	3,160,444	8,775,223	2,632,567	7,275,789	2,182,734
Hemp u-												
manuf..	261,913	101,338	140,372	55,122	180,221	62,282	65,220	19,452	180,335	54,100	478,232	143,470
Salt.....	892,112	654,881	883,359	678,069	748,566	599,244	878,871	228,892	1,027,636	205,531	1,424,529	284,906
Coal.....	263,681	133,845	187,962	130,221	336,691	254,149	330,875	162,008	426,997	128,099	382,254	114,676
Total.....	34,161,247	15,472,358	34,003,256	14,671,413	32,813,533	13,653,796	45,360,929	13,558,853	50,344,100	13,622,398	47,970,658	13,089,956

No. 56—Continued.

Articles.	1850.		1851.		1852.		1853.		1854.	
	Value.	Duties.	Value.	Duties.	Value.	Duties.	Value.	Duties.	Value.	Duties.
Woolens.....	\$16,900,916	\$4,682,457	\$19,239,930	\$5,331,600	\$17,348,184	\$4,769,083	\$27,051,934	\$7,459,794	\$31,119,654	\$8,629,180
Cottons.....	19,681,612	4,896,278	21,486,502	5,348,695	18,716,741	4,895,327	26,412,243	6,599,338	32,477,106	8,153,992
Hempen goods....	490,077	98,015	615,239	123,048	343,777	68,755	433,604	86,721	59,824	11,631
Iron, and manu- factures of.....	10,894,680	3,259,404	10,780,312	3,234,094	18,843,569	5,632,484	26,993,082	8,074,017	28,288,241	8,486,472
Sugar.....	6,950,716	2,085,215	13,478,769	4,043,613	13,977,393	4,193,218	14,168,337	4,250,501	11,604,656	3,481,397
Hempunmanufac- tured.....	574,783	172,435	212,811	63,843	164,211	49,263	326,812	98,044	335,632	100,689
Salt.....	1,227,518	245,504	1,025,300	205,060	1,102,161	220,420	1,041,577	208,315	1,290,975	258,195
Coal.....	361,855	108,557	478,995	143,429	405,652	121,895	488,491	146,547	585,926	175,777
Total.....	57,052,157	15,547,865	67,316,898	18,493,382	70,901,628	19,950,245	96,916,080	26,923,277	105,762,014	29,297,333

No. 57.—Statement exhibiting a summary view of the exports of domestic produce, &c., of the United States during the years ending on the 30th June, 1847, 1848, 1849, 1850, 1851, 1852, 1853, the specie and bullion, and aggregate value in 1854.

Year.	Produce of—					Raw produce.	Specie and bullion.	Total value.
	The sea.	The forest.	Agriculture.	Tobacco.	Cotton.	Manufactures.		
1847.....	\$3,468,033	\$5,996,073	\$68,450,383	\$7,242,086	\$53,415,848	\$10,351,364	\$2,102,838	\$150,637,464
1848.....	1,980,963	7,059,084	37,181,446	7,551,122	61,998,294	12,774,480	2,700,412	132,904,121
1849.....	2,547,654	5,917,094	38,858,204	5,804,207	66,396,967	11,249,877	935,178	132,666,955
1850.....	2,824,818	7,442,503	26,547,158	9,951,023	71,984,616	15,196,451	2,046,679	136,946,912
1851.....	3,294,691	7,847,022	24,369,210	9,219,251	112,315,317	20,136,967	1,437,893	196,489,718
1852.....	2,282,342	7,864,220	26,378,872	10,031,283	87,965,732	18,862,931	1,545,767	192,368,984
1853.....	3,279,413	7,915,259	33,463,573	11,319,319	109,456,404	22,599,930	1,835,264	213,417,697
1854.....	3,044,301	11,646,571	66,900,294	10,016,046	93,596,220	26,179,503	2,602,301	252,047,806

No. 58.—Statement exhibiting the value of foreign merchandise and domestic produce, &c., exported annually, from 1821 to 1854.

Years ending—	Value of exports exclusive of specie.				Specie and bullion.
	Foreign merchandise.		Domestic produce.	Aggregate value of exports.	
	Free of duty.	Paying duty.				Total.
September 30.....	\$286,698	\$10,537,731	\$10,824,429	\$54,496,323	\$10,478,059
1821.....	374,716	11,101,366	11,476,022	49,874,079	10,810,180
1822.....	1,323,762	19,846,873	21,170,635	47,153,408	6,372,987
1823.....	1,190,530	17,222,075	18,322,605	50,649,500	68,972,165
1824.....	1,088,785	22,704,803	23,793,588	66,809,766	7,014,552
1825.....	1,036,430	19,404,504	20,440,934	90,603,354	8,932,034
1826.....	813,844	15,417,986	16,231,830	52,449,855	4,704,533
1827.....	877,239	13,167,339	14,044,578	57,878,117	8,014,880
1828.....	919,943	11,427,401	12,347,344	49,976,632	8,243,476
1829.....	1,078,695	12,067,162	13,145,857	55,087,307	4,924,020
1830.....				58,524,878	2,178,773

No. 58.—Continued.

Years ending—	Value of exports exclusive of specie.				Specie and bullion.	
	Foreign merchandise.			Domestic produce.		Aggregate value of exports.
	Free of duty.	Paying duty.	Total.			
September 30.....1831.....	\$642,586	\$12,434,483	\$13,077,069	\$59,218,583	\$72,295,652	\$9,014,931
1832.....	1,345,217	18,448,857	19,794,074	61,726,529	81,520,603	5,656,340
1833.....	5,165,907	12,411,969	17,577,876	69,950,856	87,528,732	2,611,701
1834.....	10,757,033	10,870,520	21,626,553	80,623,662	102,260,215	2,076,758
1835.....	7,012,666	7,743,655	14,756,321	100,459,481	115,215,802	6,477,775
1836.....	8,534,895	9,232,867	17,767,762	106,570,942	124,338,704	4,324,336
1837.....	7,756,189	9,406,043	17,162,232	94,280,895	111,443,127	5,976,249
1838.....	4,951,306	4,466,384	9,417,690	95,560,880	104,978,570	3,508,046
1839.....	5,618,442	5,007,698	10,626,140	101,825,533	112,251,673	8,776,743
1840.....	6,202,562	5,805,809	12,008,371	111,660,561	123,668,932	8,417,014
1841.....	3,953,054	4,228,181	8,181,235	103,636,236	111,817,471	10,034,332
1842.....	3,194,299	4,884,454	8,078,753	91,769,242	99,877,495	4,813,539
9 months to June 30, 1843.....	1,682,763	3,456,572	5,139,335	77,686,354	82,825,689	1,520,791
Year to June 30.....1844.....	2,251,550	3,962,508	6,214,058	99,531,774	105,745,832	5,454,214
1845.....	2,413,050	5,171,731	7,584,781	98,455,330	106,040,111	8,606,495
1846.....	2,342,629	5,522,577	7,865,206	101,718,042	109,583,248	3,905,268
1847.....	1,812,847	4,353,907	6,166,754	130,574,844	156,741,598	1,907,024
1848.....	1,410,307	6,576,499	7,986,806	130,203,709	138,190,515	15,841,616
1849.....	2,015,815	6,625,276	8,641,091	131,710,081	140,351,172	5,404,648
1850.....	2,099,132	7,376,361	9,475,493	134,900,233	144,375,726	7,522,994
1851.....	1,742,154	8,552,967	10,295,121	178,620,138	188,915,259	29,472,752
1852.....	2,538,159	9,498,884	12,037,043	154,931,147	166,968,190	42,674,135
1853.....	1,894,046	11,202,167	13,096,213	189,869,162	202,965,375	21,486,875
1854.....	3,260,451	18,500,686	21,761,137	253,220,074	274,981,211	41,422,423
Total.....	99,497,701	348,647,235	448,144,936	3,310,011,724	3,758,756,600	334,580,493

No. 59.

Statement of the number of persons employed in each district of the United States for the collection of customs, for the fiscal year ending June 30, 1854, with their occupation and compensation, per act March 3, 1849.

According to this statement there are 111 persons with the rank of collectors, and 2,705 of subordinate rank, such as deputy collectors, surveyors, naval officers, inspectors, clerks, boatmen, &c. The compensation varies from \$6,400 to less than \$100 per annum.

No. 60.

CIRCULARS ISSUED SINCE THE DATE OF THE LAST REPORT.

This embraces general instructions to collectors of the customs; general regulations for their government; general instructions to consuls of the United States in the island of Porto Rico; forms of estimates for the use of collectors, superintendents of light houses, agents of marine hospitals, and other disbursing agents; forms of accounts current, of the various bonds required, of reports to be made, together with copies of the acts of Congress on the subject. Following these are four tables—the 1st, containing a list of free goods imported in American and foreign vessels, also of those re-exported in American and foreign vessels, in the order in which returns are to be made; 2d, a list of articles, the growth, produce, and manufacture of the United States, exported as above, in the order in which returns are to be made; 3d, a table of countries and places from and to which the imports and exports are to be entered and returned; and, 4th, a table of flags designating the nationality of foreign vessels.

COMMERCE AND NAVIGATION.

Report from the Register of the Treasury of the Commerce and Navigation of the United States for the year ending June 30, 1854.

This report consists of 18 tabular statements enumerating every article of exports and imports, the countries to and from which they are exported or imported, their several quantities and values; and showing the number and nationality of the vessels employed in their conveyance.

Table No. 1, gives a general statement of domestic exports. By this it is shown that the total value of these exports was.....\$252,047,806
Of this amount, was exported in American vessels..... 176,100,273
And in foreign vessels..... 75,947,533

Table No. 2, is a summary statement of the value of the exports of the growth, produce and manufacture of the United States.

The products of the sea amounted to.....	\$3,044,301
“ “ of the forest “	11,646,571
“ “ of agriculture “	170,512,460
“ “ of manufactures “	66,844,374

Table No. 3, is a general statement of goods, wares, and merchandise of the growth, produce, and manufacture of foreign countries exported from the United States. This embraces merchandise paying duties ad valorem, such as is free of duty, entitled to drawback, from warehouse and not from warehouse.

Table No. 4, is a summary of the above table, from which are derived the following results:

Total value of merchandise paying duties ad valorem.....	\$17,406,172
Total value of merchandise free of duty.....	6,342,342
Total value of exports.....	23,748,514
To which add value exported from San Francisco, and not received in time to be included in this statement.....	1,101,680
	<u>24,850,194</u>

Total value of domestic exports brought from statement 2.....	\$252,047,806	
To which add value exported from San Francisco, and not received in time to be included.....	1,343,064	253,390,870
Total value of exports.....		278,241,064

Table No. 5, is a general statement of merchandise of the character specified in table 3, imported into the United States; and

Table No. 6, is a summary of the same, for which we have the following totals:

Paying duties.....	\$268,975,060	
Free of duty.....	32,519,034	
Total.....		301,494,094
To which add value imported into San Francisco and not received in time to be included in this statement.....		3,068,287
Total.....		304,562,381

Table No. 7, is a statement exhibiting the number of American and foreign vessels with their tonnage and crews, which cleared from the United States for foreign countries during the fiscal year. By this table it appears that there were:

		Tonnage.
Of American vessels.....	9,570	3,911,392
With crews of men.....	141,028	
“ “ of boys.....	797	
Of foreign vessels.....	9,503	2,107,802
With crews of men.....	98,647	
“ “ of boys.....	1,196	
Total number of vessels.....	19,073	6,019,194
“ “ of men.....	239,645	
“ “ of boys.....	1,993	

Table No. 8, is a statement exhibiting the same thing in regard to vessels which entered into the United States from foreign countries during the same time; the totals of which are as follows:

		Tonnage.
American vessels.....	9,455	3,752,115
Crews of men.....	135,927	
“ “ of boys.....	726	
Foreign vessels.....	9,648	2,132,224
Crews of men.....	100,243	
“ “ of boys.....	1,212	
Total of both descriptions of vessels.....	19,103	5,884,339
Total of seamen.....	236,170	
Total of boys.....	1,938	

Table No. 9, is a statement of the national character of the foreign vessels which entered into and cleared from the United States for foreign countries during the year. By this table it appears that the number of vessels which entered was 9,648, of 35 different national characters, and that the number which cleared for foreign countries was 9,503.

Table No. 10, is a statistical view of the commerce of the United States, exhibiting the value of exports to and imports from each foreign country, and the tonnage of American and foreign vessels arriving from and departing to each foreign country, during the year.

From this table it appears that the total balance of exports embracing domestic and foreign produce was.....\$275,796,320
And that the amount of imports was.....301,494,094
Being an excess of the latter over the former of.....26,697,774

Table No. 11, gives a detailed statement of the commerce of each State and Territory, the results of which are of course the same as those already given in other tables, with the exception that in this table the portions belonging to each State and Territory respectively are separately shown.

Table No. 12, is a statement exhibiting the number of American and foreign vessels, with their tonnage and crews, which cleared from each district of the United States for foreign countries, during the year.

The results of this table are the same with those of No. 7, apportioning to each district separately the number of vessels, quantity of tonnage and number of crews.

Table No. 13, is a similar statement of vessels that entered into each district from foreign countries during the same period.

Table No. 14, is a statement of the tonnage of the United States as apportioned to the several districts. The following abstract will show the aggregate tonnage of the United States on the 30th June, 1854.

Permanent registered tonnage.....	1,829,286	56
Temporary registered tonnage	504,532	55
Total registered tonnage.....		2,333,819 16
Permanent enrolled tonnage.....	2,397,357	76
Temporary enrolled tonnage.....	13,778	01
Total enrolled tonnage.....		2,411,135 77
Licensed tonnage under twenty tons employed in the coasting trade.....	48,214	32
Licensed tonnage under twenty tons employed in the cod fishery.....	9,733	33
Total licensed tonnage under twenty tons.....		57,947 65
		<u>4,802,902 63</u>

Of the enrolled and licensed tonnage, there were employed in the—	
Coasting trade.....	2,273,900 48
Cod fishery.....	102,194 15
Mackerel fishery.....	35,041 14
Whale fishery.....	

2,411,135 77

Of the registered tonnage, (amounting as above stated, to 2,333,819 16,)

there were employed in steam navigation.....	95,036 30
Of the enrolled tonnage, (amounting as above stated, to 2,411,135 77,)	
there were employed in steam navigation.....	581,570 77

Total steam tonnage..... 676,607 12

Table No. 15, a statement giving a condensary view of the tonnage of the several districts of the United States on the same day. A few of the commercial cities, as exhibited below, will furnish an opportunity of comparing the importance of their respective trades.

					Tons and 95ths.
The city of New York has of registered, enrolled and licensed tonnage..					1,262,798.08
" Boston	"	"	"	"	495,879.51
" Philadelphia	"	"	"	"	268,746.62
" New Orleans	"	"	"	"	183,818.08
" Baltimore	"	"	"	"	170,835.35
" New Bedford	"	"	"	"	165,910.28
" Bath	"	"	"	"	154,501.27
" Portland	"	"	"	"	123,672.48
" Walsborough	"	"	"	"	122,735.80

No other city in the United States reaches 100,000 tons.

The aggregate are, of registered tonnage.....2,333,819.16
Of enrolled and licensed tonnage.....2,469,083.47

Total.....4,802,902.63

Table No. 16, a statement showing the number and class of vessels built, and the tonnage thereof, in each State and Territory of the United States during the year ending 30th June, 1854. The totals in some of the States are as follows:

Maine, the largest number.....	343
New York, next largest number.....	301
Pennsylvania " ".....	237
Massachusetts " ".....	180
Maryland " ".....	122

No other State reaches the number of 100.

The aggregate number of all the vessels, of every class, built in the several States and Territories is 1,774, of which 334 were ships and barques. Their tonnage amounted to 535,636.01 95ths

Table No. 17.—*A comparative view of the registered and enrolled tonnage of the United States, showing the tonnage employed in the whale fishery, also the proportion of the enrolled and licensed tonnage employed in the coasting trade, cod fishery, mackerel fishery, and whale fishery, from 1815 to 1854, inclusive.*

Years	Registered tonnage.	Enrolled tonnage.	Total tonnage.	Regist'd Tonnage employed in whale fishery.	Tonnage employed in steam navigation.	Proportion of the enrolled tonnage employed in the			
						Coasting trade.	Cod fishery.	Mack'l fishery.	White fishery.
1815.	854,294	513,833	1,368,127	.....	.....	435,066	26,510	.....	1,229
1816.	800,759	571,458	1,372,218	.....	.....	479,979	37,879	.....	1,168
1817.	809,724	590,186	1,399,921	8,471	.....	481,457	53,990	.....	349
1818.	606,088	619,095	1,225,184	16,134	.....	503,140	58,551	.....	614
1819.	612,930	647,821	1,260,751	31,700	.....	523,556	65,044	.....	686
1820.	919,047	661,118	1,280,166	35,391	.....	539,080	60,842	.....	1,053
1821.	619,896	679,062	1,298,958	26,070	.....	559,435	51,351	.....	1,924
1822.	628,150	696,548	1,324,699	45,449	.....	573,080	58,405	.....	3,133
1823.	639,920	696,644	1,336,565	39,918	24,879	566,408	67,621	.....	585
1824.	669,972	729,190	1,399,163	33,165	21,609	589,223	68,419	.....	180
1825.	700,787	722,323	1,423,110	35,379	23,061	587,273	70,626	.....	.....
1826.	737,978	796,210	1,534,189	41,757	34,058	666,420	63,761	.....	226
1827.	747,170	873,437	1,620,607	45,653	40,197	732,937	74,048	.....	328
1828.	812,619	928,772	1,741,391	54,621	39,418	758,922	74,947	.....	180
1829.	650,142	610,654	1,260,797	57,284	54,036	508,858	101,796	.....	.....
1830.	576,675	615,311	1,191,776	38,911	64,471	516,978	61,554	35,973	792
1831.	620,451	647,394	1,267,846	82,315	34,445	539,723	60,977	46,210	481
1832.	686,989	752,460	1,439,450	72,868	90,813	649,627	54,027	47,427	377
1833.	750,026	856,123	1,606,149	101,158	101,849	744,198	62,720	48,725	478
1834.	857,438	901,468	1,758,907	108,060	122,815	783,618	54,463	61,082	364
1835.	885,520	939,118	1,824,940	97,640	122,815	792,301	72,374	64,443	.....
1836.	897,774	984,328	1,820,132	144,680	145,556	873,023	62,307	64,425	1,573
1837.	810,447	1,086,238	1,896,685	127,241	154,764	956,980	80,551	46,810	1,894
1838.	822,591	1,173,047	1,995,639	119,629	193,413	1,041,105	70,064	56,649	5,229
1839.	834,244	1,262,234	2,096,478	131,845	204,938	1,153,551	72,258	35,983	439
1840.	899,764	1,280,999	2,180,764	136,926	202,339	1,176,694	76,035	28,269	.....
1841.	845,803	1,184,940	2,130,744	157,405	175,088	1,107,067	66,551	11,321	.....
1842.	975,358	1,117,031	2,092,390	151,612	229,661	1,045,753	54,804	16,096	377
1843.	1,009,305	1,149,297	2,158,601	152,374	236,867	1,076,155	61,224	11,775	143
1844.	1,068,764	1,211,330	2,280,095	168,293	272,179	1,109,614	85,224	16,170	321
1845.	1,095,172	1,321,829	2,417,002	190,695	326,018	1,190,898	69,825	21,413	206
1846.	1,131,286	1,431,798	2,563,084	189,980	347,893	1,289,870	72,516	36,463	439
1847.	1,241,312	1,597,732	2,839,045	193,858	404,841	1,452,623	70,177	31,451	.....
1848.	1,360,886	1,793,155	3,154,041	192,179	427,891	1,620,988	82,651	43,558	432
1849.	1,438,941	1,895,073	3,334,015	180,186	462,394	1,730,410	42,970	73,853	.....
1850.	1,585,711	1,949,743	3,535,454	146,016	525,946	1,755,796	85,646	58,111	.....
1851.	1,726,307	2,046,123	3,772,439	181,644	583,607	1,854,317	87,475	50,539	.....
1852.	1,899,448	2,238,992	4,138,440	193,797	643,240	2,008,021	102,659	72,546	.....
1853.	2,103,674	2,363,336	4,467,010	193,203	514,097	2,134,256	109,227	59,850	.....
1854.	2,333,810	2,469,083	4,802,902	181,901	676,607	2,273,900	102,194	35,041	.....

No. 18.

Statement showing the number and class of vessels built, and the tonnage thereof, in the several States and Territories of the United States, from 1815 to 1854, inclusive.

Years.	Class of vessels.					Total number of vessels built.	Total tonnage.
	Ships and barques.	Brigs.	Schooners.	Sloops and canal boats.	Steamers.		Tons and 95ths.
1815.....	136	224	681	274	.....	1,314	154,624 39
1816.....	76	122	781	424	.....	1,403	131,668 04
1817.....	34	86	559	394	.....	1,073	86,393 37
1818.....	53	85	428	332	.....	898	82,421 20
1819.....	53	82	473	242	.....	850	79,817 86
1820.....	21	60	301	152	.....	534	47,784 01
1821.....	43	89	248	127	.....	507	55,856 01
1822.....	64	131	260	168	.....	623	75,346 93
1823.....	55	127	260	165	15	622	75,007 57
1824.....	56	156	377	166	26	781	90,939 00
1825.....	56	197	538	168	35	994	114,997 25
1826.....	71	187	482	227	45	1,012	126,438 35
1827.....	55	153	464	241	38	934	104,342 67
1828.....	72	108	474	196	33	884	98,375 58
1829.....	44	68	485	145	43	785	77,098 65
1830.....	25	56	403	116	37	637	58,094 24
1831.....	72	95	416	94	34	711	85,962 68
1832.....	132	143	568	122	100	1,065	144,539 16
1833.....	144	169	625	185	65	1,188	161,626 36
1834.....	98	94	497	180	68	937	118,330 37
1835.....	25	50	301	100	30	507	46,238 52
1836.....	93	65	444	164	124	890	113,627 49
1837.....	67	72	507	168	135	940	122,987 22
1838.....	66	79	501	153	90	898	113,135 44
1839.....	83	89	439	122	125	858	120,989 34
1840.....	97	109	378	224	64	872	118,309 23
1841.....	114	101	310	157	78	762	118,893 71
1842.....	116	91	273	404	137	1,021	129,083 64
1843.....	58	34	138	173	79	482	63,617 77
1844.....	73	47	204	279	163	766	103,537 29
1845.....	124	87	322	342	163	1,038	146,018 02
1846.....	100	164	576	355	225	1,420	188,203 93
1847.....	151	168	689	392	198	1,598	243,732 67
1848.....	254	174	701	547	175	1,851	318,075 54
1849.....	198	148	623	370	208	1,547	256,577 47
1850.....	247	117	547	290	159	1,360	272,218 54
1851.....	211	65	522	326	233	1,367	298,203 60
1852.....	255	79	584	267	259	1,444	351,493 41
1853.....	269	95	681	394	271	1,710	425,572 49
1854.....	334	112	661	386	281	1,774	535,616 01

III.—THE ARMY.

[Abstract of Documents accompanying the Report of the Secretary of War.]

Nos. 1, 2, 3.

Documents annexed to this report numbered one, two, and three, are reports—1. From the Department of Texas—2. Of New Mexico—3. Of the West. The report of the Commanding General, which we give below, and the report of the Commissioner of Indian Affairs, embrace as full an account of the matters treated in these documents, as is consistent with the plan of our work.

No. 4,

Covers instructions from the Secretary of War, respecting the construction of military roads in Washington Territory, and in the territories of New Mexico and Utah.

No. 5,

Is Captain Meigs's report on the progress of the works for the extension of the U. S. Capitol. For this edifice, appropriations have been made to the amount of \$2,350,000; of which there has been expended \$1,267,869 33; leaving available for the fiscal year ending 30th June, 1855, \$1,082,130 67. Required for the year ending 30th June, 1856, the sum of \$325,000.

No. 6.—REPORT OF THE COMMANDING GENERAL.

HEAD QUARTERS OF THE ARMY, }
New York, November 18, 1854. }

SIR:—I beg to offer the following professional suggestions on matters touching the "discipline and military control" of the army, with which (and in those terms) I am charged by the army regulations.

In my last annual report (Ex. Doc. I, House of Representatives, 33d Congress, 1st session, pp. 96 and 97,) I invited attention to the dispersed condition of the troops, as being highly unfavorable to instruction and discipline, and suggested, that something might be done to improve the *morale* of the army by—

1. A revision of the rules and articles of war, incorporating a system of *rewards with* punishments; harmonizing material discrepancies, the result of many hasty enactments, and more clearly defining rights and duties, as well as crimes, and affixing definite and appropriate punishments, according to the nature and degree of the offences.

2. A radical change in the system of recruiting, which would leave, with every regiment (by dividing it into *service* and *depot* companies—alternating in duty) the filling up its own ranks, and thus establishing an early acquaintance and sympathy between officers and non-commissioned officers and their men.

3. A retired list for superannuated and disabled officers, recommended with much force by many administrations and always favorably reported upon by the military committees of the two Houses of Congress; and

4. Placing the pensions of the army on the same footing with those of the navy.

Reflection and experience have strengthened the conviction that such measures would much improve the well being and efficiency of the army. To that end, Congress, at its last session, gave additional pay to enlisted men and authorized promotion to commissions from the ranks—enactments which will, no doubt, heighten the moral condition of our non-commissioned officers and privates. Something more, however, is still needed to secure the enlistment of a sufficient number of young men, of respectable character and attainment, (for promotion to Lieutenancies) under the standard (not too high) established by the War Department. I allude to the suggestions above, and more particularly to the revision of the code, including a fence of law around the rights of inferiors, beginning with privates, against caprice and violence on the part of authority. Such is the circle of ameliorations I beg earnestly to recommend in order to render the military career eligible from the beginning, and to give to the whole army the highest efficiency.

During the past year, the troops in the Department of the West, the Department of Texas, the Department of New Mexico, and the Department of the Pacific, have been most actively engaged in endeavoring to protect our settlements on the Indian borders, and emigrants passing through the Indian country. The bad feeling shown by many of the Indian tribes and continued acts of open hostility on the part of others, have cost our small detachments much arduous service, with severe sufferings, including the loss of many valuable officers and men. With them, the campaigns hardly ever intermit, and although the conflicts have been on a small scale, our troops, on every occasion, have displayed a noble zeal and daring, which seem to me worthy of being better known and better rewarded. I have, heretofore, presented the names of a few of the more distinguished officers in these combats, for brevets. The number might now, perhaps, be doubled. This reward of merit, though cheap to the Government, is always coveted by the noblest spirits. At least it is hoped that the number of our regiments in the presence of active, numerous, hostile and treacherous bands, may, at length, be sensibly increased, in order to secure the defence and protection contemplated, and with, on our part, a *smaller sacrifice of life*, which is always greatest with inadequate numbers, even when most triumphant. This is an argument dictated by humanity, and policy is equally on the side of a considerable augmentation; for there is not a petty tribe, in the interior, that does not believe itself—judging from the handfuls of troops we exhibit here and there—equal in numbers to the people of the United States!

With four (perhaps, three) additional regiments, most of the small posts on Indian borders might be withdrawn and the troops, in battalions, held in good strategical positions. When at rest, instruction and discipline would be advanced, and each battalion, leaving a small guard behind, might, in column, composed of at least, a portion of cavalry, be instructed to make an annual circuit through the nearest Indian country—always seen in a condition to pursue and to strike—in order to overawe hostile machinations, and to punish violations of peace. Similar views have often been presented in my annual reports, beginning with 1842; but from the want of troops they have been only partially put into practice.

It is with some diffidence that I beg a renewed consideration of another subject that received the favor of the War Department in its last annual report. I allude to *the pay of army officers*.

Out of the service, it does not seem to be understood or felt, that the success of the United States in the recent war with Mexico, by flooding the country with gold and prosperity, and thence bringing about an enormous increase in the price of every necessary and comfort of life, has, practically, imposed a tax (by that increase) of forty dollars in every hundred on the annual pay and emoluments of the officers who won those successes!! (The enlisted men, it has been seen, have had their proportionate augmentation of pay.)

I have the honor to remain, with high respect, your most obedient servant,

WINFIELD SCOTT.

Hon. J. DAVIS, *Secretary of War, Washington, D. C.*

NO. 7.—REPORT OF THE QUARTERMASTER GENERAL.

The balance on the books of this office, to be accounted for at the commencement of the fiscal year, was \$954,937 51.

Deducting from this, however, certain accounts no longer under the control of the office, and others in a state of adjustment under acts of Congress, there will be left a positive balance of \$731,143 91.

Of this sum \$89,027 09 are in the hands of nineteen officers and agents, who have failed to render their accounts at the close of the year. The remainder is distributed among 169 disbursing officers, as applicable to the payment of outstanding claims against the Department at the end of the year, and to the service of the current year.

The report states that supplies, consisting of fuel, forage, straw for bedding, stationery, medicines for horses and mules, travelling forges, blacksmith's tools, clothing and dragoon equipments, camp and garrison equipage, and small supplies for the mounted service, costing in the aggregate \$1,128,281 63, have been promptly furnished to those entitled to receive them.

Transportation for these supplies, for recruits from their various depots, and for troops from station to station, amounted to \$1,839,376 11.

Repairs of buildings have cost \$301,335.

Rent of quarters, barracks, storehouses, wharves, grounds for military stations in the new territories, and in Texas and California, have required an expenditure of \$115,415.

The report asks for an increase of storekeepers, and of compensation to ordnance sergeants, together with an enlargement of the duties of the latter; it asks, also, that a single auditor may be charged with the settlement of all accounts of the Quartermaster's Department, and for an allowance of a reasonable extra compensation to officers of the line, temporarily employed as disbursing officers. It adverts, also, to the expediency of improving the roads and other avenues of communication to and between the posts on the frontiers.

No. 8.—REPORT OF THE COMMISSARY GENERAL.

At all points the troops have been amply supplied with good and wholesome provisions. Issues have been made to Indians at many of our posts, with a beneficial influence. The experiments to test the comparative value of the solar evaporated salt of Syracuse, and Turk's Island salt, are approaching their termination, and the results will be reported in a few months. The estimated price of the ratio is the same as of the present year. The accounts of officers in this department have generally been punctually rendered.

No. 9.—REPORT OF THE PAYMASTER GENERAL.

In the hands of paymasters, and received by them to be accounted for, \$3,065,-070 39; expended as follows:

Payments to regular troops.....	\$2,608,330 24
Payments to volunteers.....	41,053 90
3 months' extra pay to regulars.....	5,214 90
3 months' extra pay to volunteers.....	8,241 50
In paying to military academy.....	86,591 52

Total expended..... \$2,749,432 06

Leaving a balance of..... 315,638 33

These balances have, as far as heard from, been expended and accounted for since the commencement of the present fiscal year. As far as returns have been received, the troops have all been paid to 31st of August last.

No. 10.—REPORT OF THE SURGEON GENERAL.

The amount of expenditures, on account of the medical department of the army, for the year ending June 30, 1854, was \$52,666 65; of which sum \$15,299 20 was paid for the services of private physicians. Deducting this amount, together with \$4,616 51 for medical and hospital supplies, both of which accounts originated prior to the commencement of the last fiscal year, there will remain as the proper expenditure of the year, \$32,750 94.

It appears from this report that 25,656 cases of disease have been under medical treatment during the fiscal year; that the mean strength of the army, for the same period was 8,095; and that consequently every individual in it must have been sick at least three times during the year.

The meteorological observations under the auspices of this bureau, from 1842 to 1850, have been arranged and tabulated, and are now ready for the press.

No. 11.—REPORT OF THE CHIEF ENGINEER.

FORTIFICATIONS.

In this document the importance of sea-coast defence, as illustrated during the present season, is exhibited in detail. A short statement of the present condition of the several fortifications is given under the head of each.

MILITARY ACADEMY.

This establishment continues to work successfully, and with constant progress. The course of studies has been extended to five years. The academical arrange-

ments and progress of the elder cadets will not be disturbed by the change. Increased attention will be given to military engineering, reconnaissances, artillery, the tactics of special arms, and their subdivisions. An appropriation of \$20,000 is recommended for commencing the erection of officers' quarters. A professorship of ethics, independent of the chaplaincy, is recommended; and the separation of the instruction in artillery and cavalry. An appropriation of \$5,000, to complete the extension of the buildings occupied by the professors, is urged, together with an increase in the pay of the professors of French and drawing.

The report of the Board of Visitors, dated June 22d, 1854, is highly commendatory of the condition of the institution. The board regard the extension of the period of study as the only alternative of requiring a higher standard of qualification on entering the academy, which latter course would cut off from its benefits the sons of that large and highly respectable class of citizens who cannot command the means necessary to educate their children to that standard.

An increase in the compensation of acting assistant professors is recommended, and, in an even more emphatic manner, an increase in the pay of cadets. For the latter, it is stated, such sum should be allowed as will place the cadet, "with proper economy, beyond the reach of want."

Small appropriations are recommended for supplying the academy with water and for furnishing the hospital for cadets. A high compliment is paid to the superintendent of the academy; and the gentlemen at the head of the several departments under him are earnestly commended.

The report of the committee on finance shows that the amount unexpended of the appropriation for the fiscal year ending June 30, 1853, is \$31,501 74. The amount of the appropriation for the fiscal year ending June 30, 1854, is \$54,780 00, the amounts received from other sources \$1,339 52, making the whole available funds for the fiscal year ending June 30, 1854, the sum of \$87,621 26.

A statement of the rank, pay, and emoluments, of the officers, professors, instructors, cadets, and employés at the academy, shows that five of the professors receive each the sum of \$2,000 per annum, while the professors of drawing and French, are in the annual receipt of only \$1,500 each. It is recommended that the pay of the last two be increased.

After a careful examination of the accounts exhibited, together with their own observations and inquiries, the committee is satisfied that even with the rigid system of economy and accountability now practised by the cadet, he cannot meet the necessary expense of the course with the pay he now receives, and they therefore recommend that his pay be raised to \$33 per month, in accordance with the bill reported to the Senate of the United States.

In the report of the committee on instruction appointed by the Board of Visitors, a suggestion is made that if the period of instruction in the academy be no prolonged, a preparatory school may be established with advantage.

Appended to the report of the board is an act approved May 10th, 1854, making appropriations for the year ending June 30, 1855, for ordinary expenses and improvements, amounting to \$161,281; also, a letter explanatory of the estimates for the year ending June 30, 1856. In this letter an appropriation of \$15,000 is recommended, for the purpose of providing illuminating gas for the establishment.

An interesting table is also appended, exhibiting the condition in life of the cadets for the last thirteen years, and giving the occupations of their fathers, and the number of orphans, the number whose parents were in moderate, reduced, indigent, and independent circumstances.

RIVERS AND HARBORS, &c.

The works of this character, in charge of this department, have been prosecuted during the year with vigor and general success. The surveys in hand have, with four or five exceptions, where uncontrollable difficulties intervene, been prosecuted to completion; and projects of improvement, based upon them, have been furnished by the surveying officers for the consideration of Congress.

The works of improvement directed by the law have, most of them, been carried as far as the appropriations would go. A few are still in progress, being of a nature where more rapid advancement could only be effected by unwarrantable expenditures. The work thus far done, though generally incomplete, is, in many cases, affording valuable aid to commercial pursuits.

WASHINGTON AQUEDUCT.

The lands for the line from the Great Falls to the District boundary have been condemned under a law of Maryland; quarries for the cut stone and rough stone requisite have been purchased, with a site for the Virginia abutment with the consent of the State; and a final location of the site completed. The first three tunnels have been begun, and 450 feet of them completed. The water flowing in the river is found to be more than thirteen times the quantity needed for the aqueduct. Appropriation called for \$1,000,000.

No. 12.—REPORT OF THE COLONEL OF TOPOGRAPHICAL ENGINEERS.

This document communicates the detailed reports of the several officers in the actual command or direction of operations in the field.

A.

Is the annual report on the survey of the north and northwestern Lakes, by Capt. J. N. Macomb. From the abstracts furnished, it appears that in all upwards of *one hundred thousand* soundings have been made this year. The actual number recorded is 101,105, which may be laid down upon the charts. In addition to these, many others are made in preliminary examinations to guide in laying out the work.

B.

Is a report of Brevet Colonel Turnbull, in relation to the progress of the several works committed to his care on Lake Champlain, Lake Ontario, and Lake Erie.

Among these is the breakwater at Burlington, Vermont, the completion of which is important to the whole commerce and navigation of Lake Champlain; which, it is supposed will quadruple within eighteen months after the reciprocity treaty between the United States and the British provinces goes into effect.

This report gives an account of the state of the harbor works at Oswego, Sodus Bay, Buffalo, Dunkirk, and Erie.

C.

Is the annual report of Capt. Stansbury, on all other works on Lake Erie, embraced in his district, which extends from Conneaut, near the eastern boundary of the State of Ohio, to Monroe, at the mouth of the river Raisin, and embraces nine harbors, viz: Conneaut, Ashtabula, Grand River, Cleveland, Black River, Vermillion, Huron, Sandusky Bay, and the harbor of Monroe.

D.

The report of Lieut. Col. Graham, on the works on Lake Michigan and Lake St. Clair, not received at the bureau in season for communication.

E.

Is the annual report of Brevet Lieut. Col. Johnson, in relation to the improvement of the western rivers.

F.

Embraces the various reports of the board of engineers, subsequent to the annual reports of last year.

G.

Is the report of Capt. Thomas J. Lee, on the measurement of a base line for the survey of the lakes.

H.

Is the report of Lieut. M. L. Smith, of operations connected with the Florida canal survey during the past year.

The number of miles measured and levelled on the main line, was.....	377
Do. do. of offsets measured and levelled, was.....	17
Do. points, the heights of which were determined and recorded, was.....	12,948

In addition, the river St. John was sounded from Palatka to Lake Jesup and the Ocklawaha, and examined for a distance of 85 miles up from its mouth.

I.

Is the report of Captain J. H. Simpson, of the operations during the year, on the Point Douglass and St. Louis railroad ; the Point Douglass and Fort Ripley road ; and the Wabash and Mendota road ; all in Minnesota Territory.

No. 13—REPORT OF THE CHIEF OF ORDNANCE.

This report commences with a statement of the amounts drawn from the Treasury, expended, and remaining in the hands of disbursing officers, on the 30th June, 1854. The aggregate to be accounted for at the commencement of the year, was \$1,616,166 51; remaining in the hands of disbursing officers, at its close, \$170,807 90. The report then gives a detailed account of articles purchased and fabricated for the use of the army, to wit: Armament for fortifications, ordnance, ordnance stores and supplies, expenditures at the national armories, for arming and equipping militia, for arsenals and depôts. Then follow statements showing the apportionment of arms to the militia, the distribution of ordnance and ordnance stores to the same, those also issued to the army, the principal operations at the armories and arsenals, and the improvements in the buildings and grounds of the same.

IV.—THE NAVY.

[Documents accompanying the Report of the Secretary of the Navy.]

EXPLORATION OF THE ISTHMUS OF DARIEN.

Report of Lieutenant J. G. Strain, in relation to a reconnoissance of the Isthmus of Darien.

WASHINGTON, October 25, 1854.

SIR: I have the honor to inform you that, in obedience to your order, I organized my party for the exploration of the Isthmus of Darien, between Caledonia bay on the Caribbean sea, and the gulf of San Miguel, on the Pacific, and reporting myself and party to Commander George N. Hollins, of the U. S. ship *Cyane*, sailed from the port of Philadelphia, on the 29th of December last.

Touching at Carthagena, to communicate with the New Grenadian authorities, we arrived at Caledonia bay on the morning of the 17th of January of the present year. Since the breaking up of the Spanish establishments, in this portion of the Isthmus, in about 1788, the Indians had shown an invincible repugnance to permitting access to their territory, which had effectually prevented any one from making a satisfactory examination, and we have no account of any one having landed on the shores, except Messrs. Cullen and Gisborne, each of whom published reports, which experience has shown to have been utterly fallacious. Finding that we had arrived in force, the Indians showed us more than ordinary courtesy, but begged that we would not land until the arrival of their chiefs, or "old men."

On the 18th a large number of the principal men came on board the *Cyane*, where a council was held by Commander Hollins, which lasted some eighteen hours. For a long time the Indians most tenaciously opposed our landing, but finally conceded the permission to traverse the country, stipulating that their private property, and especially their women, should be religiously respected.

On the evening of the 19th of January, my party landed and quartered for the night at the mouth of the Caledonia river, in an Indian fishing village, which had been deserted before our arrival. Some provisions having been lost by the capsizing of a boat in our debarkation, we were detained until meridian, January 20th, when we commenced our march up the valley of the Caledonia, one party following the bank, while another, which I accompanied, ascended the river in a canoe, which we were soon compelled to abandon, owing to the shallowness of the river.

The party, when they left the beach, consisted of passed midshipman Wm. T. Truxtun, 1st assistant engineer John M. Maury and midshipman H. M. Garland, U. S. Navy. The civil engineers and assistants were, A. F. Boggs, S. H. Kettlewell, Sterret Hollins, G. U. Mayo; Dr. J. C. Bird, was surgeon of the party; Theodore Winthrop, Mr. Holcomb, and Frederick Avery, were volunteers, serving without pay, but performing the duties of assistant engineers. In addition to these gentlemen were thirteen of the crew of the *Cyane*—volunteers, who had been permitted to accompany me by Commander Hollins.

Messrs. Ramon Castillo Rada and Bernardo Polanco, commissioners, sent by the Government of New Grenada in advance of the *Cyane*, to explain our peaceable intentions to the Indians, had also joined our party—which numbered, in all, twenty-seven men, well armed with carbines and muskets, and forty rounds of ammunition each.

With the exception of the seamen of the *Cyane*, the party were armed with Colt's pistols, with fifty rounds of ammunition for each. Every member of the party carried a blanket and a haversack, containing ten days' provisions, which, depending upon the official statements of Mr. Gisborne, I supposed would be sufficient to carry us across the country and back, although we had reason to believe that we could supply any deficiency from H. B. Majesty's steam sloop *Virago*, which had been stationed in Darien harbor, on the Pacific.

Our first day's journey terminated at a deserted Indian rancho, where we passed the night, and continued our journey early on the following morning. About 8, A. M., on the 21st, we arrived at a small branch of the river, which entered from the southward and westward, from which, owing to the scanty vegetation, which appeared to be destroyed by the inundations of the rainy season, we had a fair view of a large portion of the Caledonia valley. Very much to my surprise I found the whole valley enclosed by a semi-circular range of mountains, abutting upon the sea coast range, and forming a barrier, ranging in height from 3500 to about 1000 feet. Carefully examining the whole range, with an excellent spy-glass, I could find no opening in any direction, but as Lionel Gisborne, civil engineer, whose report and maps were in my possession, had stated above his professional signature to his employers in England, and had promulgated to the world, that the summit level between the two oceans was but one hundred and fifty feet, I was convinced that there must be some lower point which we had not discovered. As the eastern branch of the river was much the largest and most likely to cut through the Cordillera, I determined to follow it, which I did until about meridian, when, finding that it was leading us, by a series of rapids and cascades, into the highest range of mountains and away from the Pacific, I determined to retrace my steps and follow the southwest branch, which we had passed in the morning. In our ascent, upon the eastern branch of the river, we had marched through an Indian village, capable of containing some eight hundred inhabitants, but was entirely deserted in anticipation of our arrival. Above the village we met three Indians, one of whom wished to prevent our ascending the eastern branch of the Caledonia, and attempted to lead us toward the southwest branch, but I, believing that he only wished to get us away from their village, refused to accompany him. Subsequent events tend to convince me that he acted in good faith, and would have shown us the path leading to the Pacific water shed.

Following the southwest branch until about sunset, we encamped on its bank and on the following morning continued ascending until our progress was barred by a cañon too deep to ford, with high and scarped banks on each side. The party surmounted this obstacle by different routes—some climbing the steep bank near the cañon, while I with the majority of the officers and men, sought an easier ascent about one hundred yards below. While ascending at this point I was fortunate enough to discover an Indian trail, which I was convinced led to the Pacific side of the Cordillera, and making the customary recall, soon had all the party collected, except Messrs. Holcomb, Bird, Winthrop and Hollins, and a seaman from the Cyane named Roscoe.

I caused three carbines to be fired in quick succession, which was a positive signal for the recall of all parties. This signal was answered apparently some distance up the river and supposing that they were looking for some easier ascent to rejoin, we continued on the Indian trail to the westward, occasionally firing carbines and receiving responses.

Following the path and crossing three peaks increasing in height as we advanced, we descended the western slope and at 1.15 P. M., found ourselves on a stream running to the westward, which I was convinced had its embouchure in Darien Harbor, and according to the maps of Messrs. Cullen and Gisborne, who each projected maps as the result of their own personal observation, ought to have been a branch of the Savana. While crossing the Cordillera and having arrived at the summit of the first peak, one of the seamen of the Cyane climbed a tree to obtain if possible a view of the country, but reported nothing but high mountains in every direction. The highest peak over which we crossed was between 1,400 and 1,500 feet above the level of the sea, but a lower summit of about 1000 feet existed on the left of our path, which was impassable, owing to the scarped porphyntic rocks and its general ruggedness. This point I believe to be the lowest summit between the Caledonia valley and the Pacific, and in itself is a sufficient obstacle to place a canal of any kind utterly out of the question, even if no others existed. Arriving at the stream already alluded to on the western slope of the Cordillera, we waited until 10, A. M., the following morning, hoping that our five companions might rejoin us, but despairing of a reunion and feeling the importance of pushing on as rapidly as possible, we followed the bed of the river, first leaving a note giving the names of the missing and directing them to return to the ship if they should receive my letter after that day.

On the day on which that note was written they had already commenced their return to the *Cyane*, which they reached in safety and never rejoined us afterwards. The small stream which we had first met soon led us to a larger river, which proved to be the *Sucubti*, an important tributary of the *Chucunaqua*, utterly ignored by Mr. Gisborne in his engineer's report, by which I had expected to be guided.

Until the 25th of January we followed this stream, generally wading in its bed as an easier means of locomotion than to cut our way through the dense jungle on its banks. Indians were almost always in our vicinity, especially at night, but never attempted an attack, although they burnt their houses and removed all their provisions and canoes as we advanced.

Arriving at the *Sucubti* village, one of the most important in this part of the Isthmus, we found it unburnt but deserted, and on a shingle beach near to it, were seven canoes which had been recently destroyed, and so effectually that it was utterly impossible to repair them. Forging the river which had now become a considerable stream, with some difficulty, we met in the forest, near the other bank, five Indians who offered to guide us to the *Savana*. The leader of the party spoke Spanish intelligibly and had been on board the *Cyane*, before we left her in *Caledonia* bay.

I determined to trust myself to their guidance, but took every possible precaution secretly to enable us to return to the river in the event that they should abandon us in the forest. We slept that night in a deep ravine, the Indians insisting upon returning to their habitations, but in accordance with their promise, they rejoined us the next morning, when we continued our march crossing two hills of the height respectively of 800 and 600 feet. From the summit of the first we had an open view to the westward, the portion of country through which the straight line of Messrs. Cullen and Gisborne would have to pass, and we saw nothing but high mountain ranges. Soon after, we met several Indians belonging to the *Chucuna* tribe, the most hostile and perhaps the most numerous on the whole Isthmus. Their chief addressed a long speech to me, apparently opposing our passage, but as my guide and interpreter refused to interpret it, we remain up to the present time in profound ignorance as to its tenor. The march of this day was the most painful which we had yet made and some of our party among whom were the Grenadian commissioners, were thoroughly broken down. At sunset we encamped on an island in a river about equal in the body of water to the *Sucubti*, at the point at which we had left it. Our interpreter was unable to give me its name, but it subsequently proved to be the *Chucunaqua*—the principal river on the Isthmus. To my surprise and annoyance, our guide notified me on this evening that he must return to *Caledonia* bay, but assured me that his friends would guide us to the *Savana*, which we would reach in two days, and supply us with canoes, with which we could reach *Darien* harbor on the evening of the third day. His refusal to take a letter for me to Commander Hollins, did not increase my confidence in our new guides, and when, knowing that a large body of Indians were in the vicinity, I carefully stationed the camp guard for the night, it was with no very agreeable anticipation for the future. The next morning we were eight days from the beach, and I was informed that some of the men were totally without provisions. Ascertaining the truth of this report, I ordered the officers to divide their food, which they had more carefully used, when we found that for the whole party we had provisions for only one day. Plantains and bananas were abundant in the vicinity of the camp, but the Indians would neither sell or give, and as I felt bound by my promise made to the chiefs on board the *Cyane*, I determined to await a greater emergency before supplying the party by force. Our former guide left us on this morning without taking leave, and refused all compensation for his past services, while the five new guides made their appearance armed with their bows and steel pointed arrows, which they use only in war—pointed arrows of very hard wood being only used in hunting.

From the moment they appeared, I suspected them of treacherous intent and was not greatly surprised, when after leading us down the river about two miles, they led us off into the forest by a path which led to the westward and abandoned us.

We continued to follow the path until it terminated at a deserted hut, when we countermarched and with some difficulty found our way back to the river. Here I called my first and last council, when it was determined unanimously by

the officers, New Grenadian commissioners, and civil engineers, that it was most expedient to follow the river on which we then were. We were inclined to believe that the course of the river might prove to be a tedious route to the Pacific, but were certain of one fact, that it emptied into Darien harbor, which is the common receptacle of all the rivers in this portion of the Isthmus. The nearest route to our destination was certainly by the river Savana, but as it was in the height of the dry season, there was no probability of obtaining water in the intervening country which it would require some four or five days to traverse, as some of the party—especially the Grenadian commissioners—suffered very much from fatigue and sore feet. Having been abandoned by the Indians, there was not the slightest probability of our obtaining canoes, and we would still have had a journey of some thirty or forty miles along the bank of that river constantly within the limits of tide water and among mangrove swamps where game would not be found, and where a half mile a day would have been good average marching. The character of the growth in a mangrove swamp placed the construction of a raft utterly out of the question, as the timber is invariably too heavy to float and support any additional weight.

Even allowing that we had not been much reduced by thirst while traversing the space intervening between the two rivers, our position on the Savana without game or food of any kind, without fresh water, and without either canoes or a raft to enable us to reach Darien harbor, would I am confident have proved fatal to the great majority, if not all of our party.

These were the principal reasons which determined the council in their unanimous decision to follow the river upon whose banks we then were, which would certainly lead us to our destination, though probably by a very circuitous route.

From the 27th of January, until the 31st, we continued to follow the banks of this river, subsisting upon plantains and bananas, which were found in deserted plantations along the banks.

On the 31st of January in attempting to shorten our route by running compass courses across the bends of the river, we became separated from it, owing to an entire change in its course, and did not regain it until the 3d of February. As a large portion of the country which we traversed while separated from the river, was swampy in its character and liable to overflow during the rainy season, we were so fortunate as to obtain a supply of water sufficient to meet our wants.

Some wild turkeys, smaller birds and a monkey, were killed during this period, so that although we were very short of provisions, we had sufficient to support our strength for marching and cutting our way through the forest. A small quantity of palmetto or cabbage palm and acid nuts from a species of palm, served to eke out our scanty supply of animal food.

On the 4th of February, finding that the river was pursuing a northeasterly course, we halted until about meridian on the 6th, for the construction of a raft, which, when all the appropriate timber we could find was consumed, had sufficient buoyancy to support Mr. Truxton, whom I placed in command, the two Grenadian commissioners, Messrs. Boggs and Kettlewell, and one of the crew of the Cyane. With the main body of the party I followed the banks of the river until nearly sunset, when the signal of distress called me to the raft which was some distance above us.

To my great disappointment I found her progress checked by a large quantity of drift wood extending entirely across the river, and which would have required many days to remove. The depth of the water and the high scarped banks on each side, placed it out of the question to take the raft to pieces and reconstruct it below, and I was reluctantly obliged to give the order to abandon it.

From that day until the 12th of February, we continued our march, generally cutting our way through the thick jungle. Game was very scarce and we sustained life principally on the acid covering of the palm nuts.

Want of proper food began to tell severely upon the physique of the party and each day our marches became shorter. On the 12th we halted early in the afternoon on account of the debility of the Grenadian commissioners, not having made more than two miles.

Feeling aware that we must all perish before we would probably emerge from the forest at this slow rate of travelling, I attempted to construct a raft which would have buoyancy sufficient to support three men, whom I intended to send down the river to obtain canoes and provisions. Cutting down a tree of the most

buoyant wood we could find, we discovered upon trial that though it would float, it would support no additional weight and we were again obliged to abandon the project of a raft. On the next morning, (13th of February,) I called the party together and stating my intention to advance in person in search of canoes and provisions, called for volunteers, and of some five or six of the strongest who offered their services, selected Mr. Frederick Avery, (volunteer) Golden and Wilson, two of the crew of the Cyane. Placing the party formally under command of Mr. Truxtun, we set out on our lonely journey and were fortunate enough to accomplish some eighteen miles before dark. At our camp of this night I left a note for Mr. Truxtun, which he found upon the arrival of the main body four days afterwards.

The next day swamps and almost impenetrable jungle impeded our progress, and in the evening we halted near some drift-wood, of which we constructed a raft. Here also we found some acid nuts, which was the first food of any kind that we had eaten for two days.

After two days' navigation, during which time we were several times wrecked and twice narrowly escaped with our lives, we were compelled to abandon the raft and continue our journey by land. Boils and sores now made their appearance among us and impeded our progress, as they generally attacked the feet and legs. Mr. Avery suffered most severely from this cause, but the men became much debilitated, and Golden was kept up with the greatest difficulty.

Finding the river as we advanced increased by tributaries and comparatively free from rapids and snags, we constructed another raft on the 2d of March with which we started on the 3d. On the 4th, discovered tide water, and on the evening of the 9th, arrived at the Grenadian village of Yarvisa, the first settlement on the Chucunaqua.

Here we learned that H. B. Majesty's steam sloop *Virago*, was at Darien harbor, but expected to sail in three days for Panama, and as it was all important to intercept her to obtain provisions and money—of which we had brought but a small sum across the Isthmus, I accepted Mr. Avery's offer to return for the party, and determined to set off at once for Darien harbor.

Four canoes were hired and men employed the night of our arrival, but the difficulty and delay in obtaining the necessary provisions prevented the relief party from setting out until about 9 o'clock, P. M., on the following evening. It consisted of Mr. Avery, a Mr. Noriega, whom I had employed as interpreter, and the men with a supply of provisions sufficient for about ten days. The main body of the party having orders to follow down the river by easy marches, I had no doubt of their being relieved and brought down even before I could return from the *Virago*.

As there was a scarcity of canoes in the village, I had to wait until the next day, (11th,) and then take a very small canoe to reach Santa Maria de Real, some twelve miles below, and there obtained a canoe of sufficient capacity to navigate the lower waters of the river. At daylight on the 12th, we arrived at the village of Chapigana, at the mouth of the river, where I was informed by an old resident, Mr. Hassack, a Scotchman, that the *Virago* had sailed for Panama two days before, to be absent six days. He also informed me that the Atlantic and Pacific Junction Company, whose engineers and employees were under the control of Mr. Gisborne, had a depot of provisions about thirty-five miles distant, on the river Savana at the mouth of the Lara.

The violent wind that day prevented my obtaining boatmen willing to cross the bay, but was enabled to set out the next morning before day-light, and in the afternoon arrived at the depot where I obtained provisions and money from W. C. Bennet, civil engineer, and at 1, A. M. on the 14th, returned to Chapigana, where the difficulty of obtaining boatmen, and the strong tides prevented my setting out until 11, P. M. of the same evening. The next night I arrived at Yarvisa, where I waited for intelligence from above during the 15th.

At about 4, A. M. on the 16th, Mr. Avery returned unsuccessful. He had arrived at the lowest camp of the main body, where suspended to a cross over the grave of Holmes, one of the crew of the Cyane, he found a letter from Mr. Truxtun to me, dated March 5th, in which I was informed that despairing of my safety, they had determined to return to the banana plantations to recruit, and thence by crossing the mountains to attempt to regain the ship.

At this point the Grenadian boatmen, alleging a fear of Indians, positively re-

fused to proceed, and none of the pecuniary inducements offered by Mr. Avery, could induce them to change their determination. Mr. Noriega used all his influence but without success, and this party which was certainly within one day's journey of the main body, returned unsuccessful. On their descent and about ten miles below the last camp, Parks, one of the crew of the *Cyane*, who had been accidentally separated from Truxtun's party, was found in a state of utter exhaustion.

He stated that he had been nine days without water and had only arrived on the banks of the river the day before he was found. When he arrived at Yarvisa he was perfectly delirious and died within an hour.

I immediately demanded of the authorities a levy of thirteen men, to be placed under military discipline, and hiring canoes, directed Mr. Avery to embark the provisions which I had brought up, and set off up the river as soon as the men could be collected from Yarvisa and the three adjoining villages of Santa Maria, Pinogana, and Molineca.

Determining not again to trust the safety of my party to the cowardly natives who had once failed, I embarked in the canoe which I had retained to convey it to Darien harbor, and set out at once to meet the *Virago*, which vessel was expected on the day previous. The funeral of Parks I entrusted to Mr. Avery and the Padre, who was paid for giving him all the rites of the Catholic church.

About eighteen miles below Yarvisa, I met the boat of the *Virago* in charge of Lieutenant W. C. Forsyth, which, upon information given by Mr. Bennet, had been despatched the night before at midnight. Embarking in her, I arrived at Yarvisa soon after dark, and after much delay in obtaining canoes which I had engaged, we set off up the river at about 11, A. M. on the 17th.

As the native levies had not yet made their appearance, I left orders for them to follow us. Soon after noon on the 18th, eleven joined us which increased the number of our canoes to six. A shallow rapid effectually baring our progress in the *Virago's* boat, she was anchored and left in charge of nine men, while the remainder of the party embarked in canoes and prosecuted our journey up the river.

The next morning a more favorable disposition was made of our force, and the Grenadians, who are very skilful in the management of canoes, were placed in each to assist the English seamen. At the same time that I pay this justly merited tribute to their skill and dexterity, I must condemn their cowardice and want of good faith, as they wished to return on several occasions, and were only prevented by fear that force would be used to oppose it. On the morning of the last day of our ascent, they notified me that they would proceed no longer than that evening.

They were essential to us and should not have left without a struggle which might have cost many lives, but this was fortunately prevented by our overtaking the main party under Mr. Truxtun about sunset on the 23d of March.

On the morning of the same day, we discovered the remains of the junior New Grenadian commissioner, Mr. Bernardo Polanco, lying upon the grave of his senior, Mr. Castillo, who had died and was buried by Mr. Truxtun's party. We buried him in the same grave and continued our journey.

The main body when found were in the last stage of distress. Emaciated to the last degree by fatigue and starvation, not more than three or four could have reached the plantain fields, and none could possibly have regained the ship. At least four and perhaps five would never have been able to have left the position on which they were then encamped.

Early the next morning we set out on our return and arrived at Yarvisa on the 27th of March. On the evening of the same day Philip Vermelyea, one of the crew of the *Cyane*, departed this life and was buried on the following morning (28th,) with the services of the church, alongside of his shipmate Parks.

The Grenadians were paid off and discharged, when I hired a large canoe with an awning, to convey the party to Palma, a small village near the Boca Chica, or small entrance into Darien harbor, where I had ascertained that houses might be rented for our accommodation. They arrived the next night at their destination, while I went on board the *Virago* to return my thanks to Commander Marshall, for the assistance which he had rendered us, and to make some arrangement by which our party should be rationed from his ship. Finding my party in pleasant quarters, with abundant supplies of all kinds, and assiduously attended by the medical officers of the *Virago*, I again left it in charge of Mr. Truxtun,

and embarked in a canoe for Panama. Upon my arrival I met Lieutenant Fauntleroy, of the *Cyane*, who, accompanied by the Swedish consul at Panama, Mr. Charles Zachrisson, had made a search for our party on the river Chepo or Bay Ano.

From Mr. Fauntleroy I obtained the necessary money to meet my expenses in the neighborhood of the Gulf of San Miguel, and to repay those who had so kindly advanced funds to me during my necessities; and hearing of the arrival of the *Cyane* at Aspinwall, I immediately crossed the Isthmus to communicate with Commander Hollins.

Setting out on my return the next morning after my arrival, I chartered a sloop at Panama and sailed for Darien harbor, with the intention of bringing up my party in case the *Virago* was not ready to sail.

After a passage of four days, we met the *Virago* with the party on board, all much improved except Mr. A. F. Boggs, who was sinking very rapidly. Arriving next morning at Panama, he was landed at the American Hospital, where, notwithstanding all the care and attention which was lavished upon him, he died between 10 and 11 o'clock, that night. Mr. Maury and myself had remained in Panama to await the result of his illness, while the party under charge of Mr. Truxtun, had set out soon after their debarkation from the *Virago*.

My object was to give them two days to cross the Isthmus so that they might not be unnecessarily fatigued. On the following morning, having made all the necessary arrangements for Mr. Boggs' funeral, Mr. Maury and myself set off, and having missed the regular train at Obispo, arrived at Aspinwall about 11, P. M., in a hand car kindly supplied and conducted by the railroad superintendent at Obispo.

Early the next morning, I reported myself to Commander Hollins, of the *Cyane*, when we immediately got under way for Havana via Porto Bello.

This, sir, ends the brief narrative of the Darien Expedition. For the details of our journey, I must refer you to my private notes, already deposited in the Navy Department. The map of the country which accompanies it, is only a rough compass survey, but I believe is sufficiently accurate for all practical purposes. I also accompany my narrative by a copy of Mr. Gisborne's map, which will fully explain what might appear errors in judgment on my part, when you remember how highly this person was endorsed in England, and that I trusted implicitly to his official report.

To Commander Edward Marshall, and the officers and crew, of the *Virago*, but especially to Lieutenant W. C. Forsyth, Assistant Surgeon William Ross, and Paymaster W. H. Hills, who accompanied me in my search for my party, I addressed a letter of thanks while in Darien harbor, and have been exceedingly gratified to learn that you had officially recognized their services as well as those of W. C. Bennet, civil engineer, to whom my party and myself are so deeply indebted.

Any further action that might be taken by our Government to express its sense of the services rendered by these officers and men at the peril of their lives and health to aid our countrymen, would be most gratefully welcomed by my party and myself.

For an account of the kind efforts of the Swedish Consul, at Panama, Mr. Charles Zachrisson, to discover and assist our party, I will take the liberty to refer you to a letter addressed to Commander Hollins, by Lieutenant Fauntleroy, dated Aspinwall, April 17, 1854.

I would also respectfully beg leave to call your attention to the liberality displayed by Mr. A. J. Center, Col. Totten, and other employees, of the Panama Railroad, who refused to receive any pay from me upon the occasion of my three transits across the Isthmus, or for the transportation of my party. For other acts of courtesy and kindness we were under many obligations to them, and when it is considered that the service upon which I was employed was, to a certain extent, antagonistic to their interests, I do not doubt you will recognize their magnanimity and liberality.

I would respectfully recommend the members of my party to your favorable consideration, on account of their general good conduct and quiet endurance of the greatest privations. For endurance and thorough discipline under the most trying circumstances, I feel assured that few former expeditions present a parallel. The conduct of Passed Midshipman W. M. Truxtun, and 1st Assistant Engineer J. M. Maury, U. S. Navy, was beyond all praise, while their self sacrifice in pro-

viding for the wants of the feeble, while they themselves were upon the verge of starvation, is something superior to any commendation which I could bestow upon it. Midshipman W. H. Garland, rendered to the other officers all the assistance which his own debilitated condition would permit. Those three officers I would respectfully recommend to the favorable consideration of the department.

My passing descriptions will give you a tolerably correct idea of the face of the country, and the feasibility of the project of a ship canal route. The reports of Dr. Cullen and Mr. Gisborne, were not founded as they promulgated to the world, upon personal observation, and were found upon an examination of the country to be utterly incorrect.

Instead of a summit level of one hundred and fifty feet, near the centre of the Isthmus, as stated by Mr. Gisborne, in his official report, the valley of the Caledonia is enclosed by a semi-circular range of mountains, varying in height from about 3,500 to 1,000 feet. The lowest point, which is some five miles from Caledonia Bay, is inaccessible and composed of primary rock of the hardest character. The project promulgated by Cullen and Gisborne, of cutting through in a straight line from Caledonia to a navigable point on the river Savana, a reported distance of thirty miles, is utterly impracticable, as it would involve the necessity of canalizing two or three mountain ranges in addition to that which encloses Caledonia Bay. The important rivers Sucubti, Chucunaqua, and others which would prove formidable obstacles to a canal for ships, are utterly ignored by Mr. Gisborne in his plan of a route.

The shortest distance by which a canal could possibly be cut across this portion of the Isthmus, I believe to be about 53 miles, with a cutting of about 250 feet to which must be added the 30 feet necessary for the depth of the canal. My conclusions are, sir, that the route between Caledonia Bay and San Miguel or Darien harbor, is utterly impracticable, and that sufficient treasure is not in circulation to meet the expenses of the work. For more satisfactory details, I will be obliged to refer you to the narrative which has been transmitted to the Navy Department for a thorough elucidation of this question.

Hoping, sir, that though we were unsuccessful in discovering a route for a ship canal, that our efforts, and which only resulted in disproving a grand and attractive scheme founded upon ignorance or imposture, will meet your approbation.

I remain, sir, very respectfully, your obedient servant,

J. G. STRAIN, *Lieut. U. S. Navy.*

HON. JAMES C. DOBBIN, *Secretary of the Navy, Washington, D. C.*

ABSTRACTS.

A.

A list of deaths, resignations and dismissals in the navy, as ascertained at the Department, since 1st December, 1853, shows that, of deaths there were 31, of resignations 53.

B.

This is a report from the board of examiners on the course of instructions, discipline, police, accommodations, health, &c., at the Naval Academy, at Annapolis. It speaks in the most commendatory terms of the proficiency made by the pupils in general in all the branches of naval education, and more especially of the senior class of acting midshipmen, consisting of six selected individuals, who have in three years accomplished the course of study prepared for four years. In all that pertains to the operations of this institution, the report expresses the highest degree of satisfaction. It recommends some changes in the regulations as to a few particulars, which have been, since the date of the report, June 12, 1854, partially adopted and acted upon by the Navy Department.

C.

This is the report of the commander of the practice ship, of his last cruise. The crew consisted of the second and fourth classes of the naval students. The ship sailed from Annapolis on the 20th of June, 1854, touched at Hampton Roads for supplies of wood, water, and provisions, and left the Chesapeake bay on the 28th of the same month. They visited the dock-yards of Plymouth, in England, and of Charbourg and Brest, in France, at all which places they were received

politely and kindly, and had every facility afforded them of viewing and examining those celebrated naval stations. While at sea they were exercised in every branch of seamanship, gunning and navigation, and the report speaks in the most favorable manner of the results of the cruise, and the advantages accruing to the pupils.

D.

This is the report of Commander C. H. Davis, who was detailed, some time ago, to superintend the preparation and publication of the nautical almanac. That for 1856 has already been published; and more than 400 pages of that for 1857 have been printed, or are in the hands of the printer; the remainder of the work is said to be in a very advanced state of forwardness. The preparation of the volume for 1858, is also already commenced. The report gives a most satisfactory account of the valuable services rendered by the several professors and officers employed to assist the superintendent in this scientific work.

E.

Is the report of Lieut. J. G. Strain, in relation to a reconnoissance of the Isthmus of Darien, given in full in the preceding pages.

F.

This is a report from J. H. Alexander, of Baltimore, who was employed by the department to institute a series of analytical inquiries into the best kinds of, and best means of preserving, alimentary substances for the use of the navy. The report is dated 17th October, 1854, and gives a brief account of the progress of the experiments which had, to that time, been made on several substances.

No. 1.

Estimates the sum required for the support of the office of the Secretary of the Navy for the fiscal year 1855-56 at \$32,136; for the pay of the Navy at \$458,550; for the transportation of the mail in ocean steamers \$1,408,850; for the Nautical Almanac \$20,880; for the southwest Executive building \$6,515.

No. 2.

Is a letter from the Chief of the Bureau of Ordnance and Hydrography, transmitting estimates for the armaments of vessels of the navy, the naval observatory, and the naval academy for the fiscal year ending June 30, 1856, together with a report of the favorable results attending the course of instruction and discipline as now established at the Naval Academy.

The estimates for the next fiscal year, shows a total of.....\$828,864 22
The amount appropriated for the current fiscal year for the same
branches of the service, is..... 459,609 00

Or an excess of.....\$369,255 22

The principal part of which is accounted for by the proposed armament of the six new vessels, the extension of the grounds of the Naval Academy, the erection of new buildings for the accommodation of the increased number of pupils, and the necessity of an iron fence around the grounds of the observatory, the purchase of nautical instruments and books, printing charts, &c.

Annexed is a statement of the estimated value of stores on hand at the several navy yards July 1st, 1853, of articles received and expended from June 30, 1853, to June 30th, 1854, and of those remaining on hand July 1st, 1854, which are under the direction of the Bureau of Ordnance and Hydrography.

The amount on hand, July 1st, 1853, was.....\$2,066,234 15
The amount received..... 418,131 61

Total to be accounted for.....\$2,484,365 76
Expenditures during the fiscal year..... 435,171 50

Leaving on hand July 1st, 1854.....\$2,049,194 26

No. 3.—REPORT FROM THE BUREAU OF YARDS AND DOCKS.

This report exhibits the progress made in the improvements of the several yards and docks, and shows the necessity of further extension and improvement. The documents accompanying the report embrace estimates for the fiscal year ending 30th June, 1856, for yards and docks, for support of the Bureau, recruiting stations, officers and others at yards and stations, improvements and repairs at yards, stations, hospitals, asylums and magazines, amounting in the whole to \$3,227,858 00. The appropriation for the year ending 30th June, 1855, was..... 2,364,472 00

Excess required for the next year..... \$863,386 00
which is explained and accounted for in the report.

No. 4.—REPORT OF THE BUREAU OF CONSTRUCTION.

[Extract.]

NUMBER AND CONDITION OF THE SHIPS OF THE NAVY.

The ships of the line, ten in number, were commenced about the years 1818 to 1822, and four of them are at this time on the stocks.

The *Pennsylvania*, the only three deck ship in the Navy, was launched in 1837, previous to which it was necessary to remove much of the work which had decayed during the sixteen years she had been on the stocks. This ship could not now be sent to sea without being rebuilt; the frame of live oak being probably the only part that would be found in good condition, and which has a considerable value as it stands in place.

The *Delaware* and *North Carolina*, launched in 1820, are likewise unfit for sea service, and require extensive repairs or rebuilding.

The *Ohio*, launched about the same time, having been more recently rebuilt, is in a better condition, and might, at moderate cost, be made available for service at home.

The *Pennsylvania*, *Ohio*, and *North Carolina* are at present in commission as receiving ships.

The *Columbus*, launched in 1819, is of smaller dimensions than the other ships of the line, and therefore her services in time of war would be much restricted. She likewise requires to be rebuilt before she can again go to sea.

The *Vermont*, commenced in 1818, and launched 1848, is the only ship of the line that can be at once made available for foreign service.

The *Alabama*, *Virginia* and *New York*, on the stocks since 1818, are about two-thirds completed in their hulls; but a portion of the work already done must be renewed. These vessels being under cover, their deterioration has been much less than that of the ships afloat.

The *New Orleans*, on the stocks at "Sackett's Harbor," was commenced in 1815, and is not half built. For several years the name of this vessel was omitted in the Navy Register, and it is probable she will never be of any service to the Navy. Steam vessels will take the place of sailing vessels on these lakes.

There has been no ship of the line at sea since the return of the *Ohio* in 1850.

The ships of war of all nations constructed about the period the ships above named were built, were designed with a view to numerous and heavy armaments, which are continued far to the extremities of the ship. Whilst this is desirable in some points of view, it produces a form which is not so well calculated for speed; yet these vessels combine many nautical qualities to a very high degree.

The difficulty of converting sailing ships into efficient auxiliary steamers, arises from the want of capacity or internal space, and the change can be effected with greater success in large than in small ships. The additional weight required to be carried causes a greater immersion, and impairs their nautical qualities; but this can to some extent be remedied by reducing their rate.

The *Pennsylvania* and the *Columbus* are the two ships which in this way could be most advantageously converted, the former into an auxiliary screw steam frigate, and the latter into an auxiliary spar deck sloop.

The frigates on the Navy register are thirteen in number, of which two are at present on the stocks.

The largest ship of this class, the *Independence*, was built in 1814 as a ship of the line, and in 1837 was converted into a frigate. She has been recently repaired, but upon her return from the present cruise in the Pacific will require to be rebuilt.

The *Constitution* and *United States* were originally built in 1797, but have both been rebuilt many times. The *Constitution* was repaired in 1843, at a cost of \$198,000. The *United States* was rebuilt in 1823, at an expense of \$222,083, and again in 1832, at \$208,148, from which latter period up to 1846, her repairs have amounted to \$335,427. This ship has not been to sea since her return in 1849, and must be rebuilt at a cost equal to that of a new ship. The dimensions of both these ships are much smaller than those of the frigates they would have to encounter in the next war.

The *Brandywine*, *Polomac*, *Columbia*, *Cumberland*, *Savannah*, *Raritan*, and *St. Lawrence* were commenced about the year 1821. These ships have all been extensively repaired several times, the cost of which is constantly increasing as they become older. To repair the *Brandywine* would, as in the case of the *United States*, be at the cost of a new ship.

The *Congress* is a vessel of larger dimensions and in better condition than most of those just named. She was launched in 1841, as soon as completed, has been continually in service, and is at present ready for sea.

The *Santee*, commenced in 1820, and the *Sabine*, commenced in 1822, are the two frigates on the stocks. Under the act of Congress for building six steam frigates, these ships have been directed to be launched and equipped.

The general principle upon which the aforementioned ships were planned was in a great measure that of the English ships of the time, with relatively sharp after ends and full fore ends, and not as the superior French ships of an earlier date.

From the length of time the *Santee* and *Sabine* have been on the stocks, and the consequent necessity of removing many of the plank and some of the principal pieces, it has been taken advantage of to improve the form of the fore end, and there is no doubt but that the result will show that the constructors at the different yards where they are building have successfully carried out the views of the Department. These ships are ready for launching, and can be immediately fitted for service.

Two of the frigates being represented as unworthy of repair, there will thus be eleven frigates afloat with which to keep seven at sea, but of the four in reserve there will be two that will require heavy repairs before they could be sent abroad.

The sloops of war are twenty in number. The largest of these ships, the *Constellation*, was built in 1797, as a frigate of the second class, and has been many times rebuilt. Being found altogether unworthy of further repair, she has been rebuilt as a spar deck sloop, and will be fully equal to the razee sloops of other nations.

The *Macedonian* was also a frigate of the second class, built in 1836, and has been converted into a spar deck sloop. These two ships may be considered as among the most efficient in the navy.

The *Portsmouth*, *Plymouth*, *St. Mary's*, *Jamestown*, *Germantown*, and *Saratoga* were launched from 1842 to 1845, and are the sailing ships of the latest date that have been built in the navy. The repairs on these ships have already become very costly, and some of them will require rebuilding.

The *John Adams*, *Vincennes*, *Falmouth*, *Vandalia*, *St. Louis*, *Cyane*, and *Levant* are generally old ships, some of them having been built in 1826, and others as late as 1838. In some cases the repairs of these ships have been very costly; that of the *St. Louis*, 1839, being \$116,205, since which there has been expended \$127,845, and on her return she will require rebuilding. The *Vincennes*, in 1849, cost \$99,861, the *Vandalia*, in 1849, the sum of \$109,683.

The remaining sloops of war, the *Decatur*, *Marion*, *Dale*, and *Preble*, are of a small class, and were built in 1839. Taking into consideration their size and efficiency there will be no advantage in continuing them in the service when they again require expensive repairs.

The several squadrons requiring that 18 sloops of war be kept at sea, there will be but two ships available for any sudden emergency. It is now necessary when a ship of this class returns from a cruise, immediately to commence the repair, however disadvantageous the time or circumstances may be.

The brigs, four in number, are too small to be of much service. To be efficient they should be of larger size.

The steamers, that may be considered ships of war, are eight in number—of which the *San Jacinto* and *Princeton* are screw steamers, and the *Mississippi*, *Susquehanna*, *Powhatan*, *Saranac*, *Michigan* and *Fulton*, are side wheel steamers.

The *Michigan* is confined to Lake Erie, and the *Fulton* is only useful for harbor or coast service. The *Mississippi*, *Susquehanna*, and *Powhatan*, will require repairs to their hulls, and most of them repairs on their machinery. When this becomes necessary to an expensive degree in the *Powhatan* and *Susquehanna*, there will be an advantage in converting them into screw steamers, and as such they will be more efficient than at present.

The remaining vessels on the register can only be considered as transports or tenders.

From the above statement there would be effective for foreign or sea service, 2 ships of the line, 9 frigates, 18 sloops of war, 4 brigs, and 6 steamers—that is, 39 vessels of the 72 which appear on the register.

With a view to a comparison between the tonnage of the navy and that of the merchant marine, the following statement is given :

In 1802, when the navy was re-organized, and the useless vessels sold, the total tonnage of the merchant service was 892,104 tons, and that of the navy 14,268 tons, or the 1-62d part.

In 1853, the total tonnage of the merchant service was 4,407,010 tons, and that of the 39 efficient ships above named as available for sea service is 48,963 tons, or the 1-90th part.

In addition to the ships before mentioned, there are at present in construction the six steam frigates authorized by the act of Congress approved April 6th, 1854; the steam frigate *Franklin*, rebuilding, is also of the same class.

For the purpose of carrying out the act of Congress for the construction of six steam frigates, and launching and equipping the frigates *Santee* and *Sabine*, the further sum of three million dollars will be required.

No. 5.

This is the report from the bureau of provisions and clothing. It begins with estimates for the service of the fiscal year ending 30th June, 1856, and states that the expenses of the bureau have not exceeded the estimates of the last year, and that sufficient balances remain on hand under all heads of appropriation.

In consequence of the repeated failures of contractors to comply with their contracts, particularly in the supply of navy bread, the bureau recommends the establishment of a bakery for that purpose. It recommends, also, the appointment of 16 additional pursers, to take the place of officers of other classes in the navy now compelled to do the duty of pursers.

A, B, C, are the estimates mentioned for the fiscal year ending 30th June, 1856. They embrace the balances and contingent expenses of the office, provisions for officers and men of the navy, freight, transportation, &c., in all \$744,716.

D—Statement showing the value of provisions, clothing, and small stores, on hand at the navy yards and naval depots or foreign stations, on the 1st July, 1854, the aggregate of which is \$463,183 29.

E—Statement showing the value of shipment of provisions, &c., to the naval squadrons on foreign stations, made by the bureau during the past fiscal year, amounting in the whole to \$212,311 70.

F—A statement of the provisions, &c., condemned, to the value of \$44,204 38.

G to N inclusive—Are abstracts of proposals to supply the various stores required by the bureau.

O—Is a statement of contracts made during the year 1854.

No. 6.—REPORT FROM THE BUREAU OF MEDICINE AND SURGERY.

From this report it appears there were admitted into the several receiving ships and hospitals, from all the squadrons, during the year ending 30th September, 1854, patients to the number of 9,495, which added to the number remaining in the beginning of year, 414, made 9,909. Of these, 44 died, and 215 remained on the 30th of September, 1854.

The report recommends the appointment of an additional number of medical officers, and estimates the expenses of the Bureau for the year ending 30th June, 1856, at \$43,791 00.

No. 7.—REPORT OF THE COMMANDANT OF THE MARINE CORPS.

The aggregate number of this corps on the 6th November, 1854, including officers of every grade and privates, was 1,452.

Of which number 1,035 were on sea duty on the 30th of September, 1854, leaving 417 on shore for the supply of guards, sentinels, &c., at all the various yards and stations.

This report is also accompanied by estimates for the year ending 30th June, 1856, amounting to \$323,233 94.

V.—THE POST OFFICE.

On page 131 of this volume the reader will find the entire cost of the mail steamer lines, amounting to \$2,623,010 29.

The total amount of postage received by the same lines was \$879,570 61. The amount of letter postage on British mails collected in the United States and Great Britain, was \$979,648 30.

The statistical tables referred to in the report of the Postmaster General, contain very minute details, of value for purposes of legislation, and international arrangement; but sufficient is stated in the report itself for the information of the general reader.

VI.—THE INTERIOR.

[Abstracts of documents annexed to the Report of the Secretary of the Interior.]

REPORT OF CALIFORNIA LAND COMMISSIONERS.

Various circumstances have retarded the prosecution of the labors of this commission. The character and extent of the claims are such that their adjudication involves much time and labor. They involve the title to an area of country larger than that contained within the jurisdictional limits of almost any one of the older States of the Union, and embracing the choicest parts of California, now the sites of villages and cities. A single case is mentioned in which the value of the premises involved is not less than \$35,000,000.

In the investigation of these cases under the national and civil law; under the Spanish law; under the laws and decrees of independent Mexico, after the dominion of Old Spain was cast off; under the acts of the Territories and departmental authorities of California; under the military rule which succeeded the conquest in July, 1846; under the anomalous authority, half civil and half military, which succeeded the close of hostilities and continued until the State organization of California; under the common law, after its adoption here in 1850; and under the statute laws of the State, which are applicable to all questions regarding the more recent conveyances of the premises claimed.

The commissioners are of opinion that all the cases pending can be adjudicated, and the records and transcripts completed within one year from the 4th of March next.

FIRST COMPTROLLER'S REPORT ON THE FEE BILL.

As the contents of this report are chiefly matters of speculation and opinion, it does not fall within the plan of our work, the object of which is mainly to present facts.

REPORT OF THE LAND OFFICE.

The Report of the Commissioner of the General Land Office treats of subjects of so much interest and importance that we have given it a place in the body of the work, where it may be found at page 158.

REPORT ON INDIAN AFFAIRS.

The same remarks apply to this document as to that mentioned in the preceding paragraph. See page 180.

REPORT OF THE PENSION OFFICE.

This important document is also given in full. See page 206.

REPORT OF THE COMMISSIONER OF PUBLIC BUILDINGS.

This report shows that Mr. B. B. French, the Commissioner, had expended between January 1, 1854, and June 30, 1854, \$158,008 39, in payment of specific appropriations. It states that the east wing of the Patent Office is so far completed as to be occupied by the Secretary of the Interior and the Patent Office, and that the work on the west wing is progressing rapidly. It gives particulars of repairs on the Capitol, the Potomac Bridge and the President's House. Of the improvement of the public grounds commenced by the lamented Mr. Downing, it states that the care of them was subsequently given to Mr. Brackenridge, and that they are now in a good state of improvement, and that many thousand trees and shrubs were to be planted during the autumn. It treats also of miscellaneous topics of merely local interest, and suggests the propriety of placing the salary of the Commissioner on an equality with those of other officers of similar standing.

OTHER REPORTS.

The substance of the reports of the Warden of the Penitentiary, and of the Superintendent of the National Hospital of the Insane, is embodied in the Report of the Secretary.

THE PATENT OFFICE.

The Report of the Commissioner of Patents will not be perfected for presentation to Congress prior to the last of January; but we are fortunately enabled to present a concise statement of its contents as rendered by the Commissioner to the Secretary of the Interior, on the 1st of November, 1854, and subsequently reviewed and corrected at the Patent Office.

The business of the Patent Office is now in a more satisfactory condition than at any previous period since the connection of the present Commissioner with it.

The number of cases undisposed of in the office on the first day of January last was reported to be five hundred and eighty-two. That number, however, was ascertained through an erroneous method of computation. By an actual count, the number of cases on hand at that time was ascertained to be eight hundred and twenty-three. A correct mode of computation was then introduced, so that the exact condition of the business of the office can hereafter be readily calculated from the monthly reports.

This arrearage in the business of the office, though much less than it had been six months previous, was such that several months always elapsed after the making of an application before it could be disposed of.

During the first three months of the year 1854, the increase in the business of the office was such that no sensible diminution in the arrearages was effected. In order to accomplish so desirable an object, it was deemed expedient to place several of the assistant examiners in the performance of the duties of principal examiners. In that manner the end sought has been attained.

Instead of six principal examiners, each with two assistants, there have been, since the first of April, practically eleven principal examiners, each with one assistant. The number of applications filed during the year 1854 was 3,324; the number of caveats filed, 868; the number of patents issued, a little less than 1,900, or about double the number patented in 1853; the number of cases on hand and not acted on, January 1, 1855, 89. Applications are generally acted upon within a few days after they are made. The arrangement by which this result has been produced, I think should be continued as the only method of disposing of the increasing business of the office with the proper promptitude and despatch.

About one year since, the Commissioner invited attention to the importance of several proposed amendments to the patent laws, which invitation is renewed. The amendments of most immediate and pressing necessity are those making provision for taking testimony—those in relation to appeals, and those prescribing a new rate of fees.

Many questions of great moment are frequently pending before the Patent Office, depending for a correct decision upon the testimony of witnesses, and there is no power provided to compel a witness to give testimony.

The law allows any person who appeals from the decision of the Commissioner, to select which of the three judges of the Circuit Court he chooses before whom to bring the appeal. The chief justice of that court will probably never again be able to entertain an appeal, so that bringing an appeal before him is tantamount to its postponement during the term of his natural life, and even after his death there may be some question as to whether the delay will be at an end. By an abuse of this law a case has been suspended in this manner for near two years, and is threatened with indefinite postponement, to the great detriment of the party who is probably entitled to the patent.

The rate of fees was fixed at a time when the real value of money was much greater in proportion to its nominal value than at present. The pay of the clerks and laborers employed in the office has been very much increased by Congress, and in various other ways the expenses of the office have been greatly augmented, while the fees have remained unchanged. In addition to these causes the force of the office has been considerably increased during the past year, in order to dispose of the accumulation of business above referred to.

The expenses of the office have therefore been exceeding the revenues.

The permanent augmentation of the examining corps, or rather such a reorganization as will place all its members on a proper footing, is recommended.

A bill was framed by the Senate committee at the last session of Congress, providing for these and many other amendments; or rather it amounted to a general reorganization of the whole Patent Office system, including the above named provisions as a portion thereof. The passage of that bill, or of some other which shall at least embrace the features above alluded to, is regarded an object of prime importance to the proper administration of the affairs of the office.

VII.—THE PUBLIC LANDS.

Abstract of documents annexed to the Report of the Commissioner of the General Land Office.

INSTRUCTIONS TO THE SURVEYOR GENERAL OF NEW MEXICO.

These detailed instructions are issued in compliance with the 8th section of the act of July 22d, 1854. They are designed as an official guide to the Surveyor General in carrying out the provisions of that section.

INSTRUCTIONS TO THE SURVEYORS GENERAL OF NEBRASKA, KANSAS AND WASHINGTON TERRITORIES.

These are instructions to the officers named, giving them detailed information as to their authority, powers and duties, and have been already communicated to those who are chiefly interested in them.

A.—Statement of Public Lands sold, amounts received therefor, and incidental expenses thereon, in the first half of fiscal year ending June 30, 1854.

STATES.	Gross amount of lands sold in the first half of the fiscal year.		Am't rec'd in cash and Treasurer's receipts.*	Amount received in forfeited land stock and military scrip.		Am't of incidental expenses.	Amount paid into the treasury during the first half of the fiscal year.
	Acres.	Purchase money.	Cash.	Forfeit'd land stock	Military land scrip.		
Ohio	38,590.48	\$75,780 74	\$75,780 74	.....	.....	\$3,757 92	\$75,047 75
Indiana	45,961.27	58,407 46	58,407 46	.....	.....	3,812 53	47,715 41
Illinois	527,898.43	843,613 62	807,707 34	\$607 16	\$35,299 12	25,005 57	793,741 67
Missouri	560,194.71	701,180 95	700,905 95	.....	275 00	30,416 98	638,791 80
Alabama	217,767.58	280,184 12	280,184 12	.....	.....	11,913 33	285,573 20
Mississippi	134,716.37	186,511 28	186,511 28	.....	.....	7,498 44	147,852 75
Louisiana	87,260.32	109,075 66	109,075 66	.....	.....	6,948 88	91,212 27
Michigan	204,692.34	262,280 91	254,958 82	.....	7,322 09	13,345 43	252,424 67
Arkansas	98,693.97	123,373 41	123,373 41	.....	.....	7,792 05	88,448 01
Florida	44,669.33	55,837 60	55,837 60	.....	.....	1,937 46	47,179 38
Iowa	777,214.59	971,710 92	933,470 50	.....	38,240 42	18,373 67	893,585 56
Wisconsin	286,199.97	357,787 24	339,046 43	421 00	18,319 81	13,215 22	313,248 15
California .....	.....	.....	.....	.....	.....	16,302 69	.....
Minnesota T	34,197.30	42,749 15	41,700 16	.....	1,048 99	2,754 68	37,784 79
Grand total	3,058,056.66	4,068,493 06	3,966,959 47	1,028 16	100,505 43	163,074 87	3,712,638 44

B.—[Last half of the Fiscal Year.]

Ohio	49,055.67	\$76,305 58	\$76,166 01	.....	\$139 57	\$3,454 16	\$74,425 00
Indiana	55,363.40	69,701 49	69,701 49	.....	.....	4,802 57	81,455 32
Illinois	571,011.04	929,144 69	889,644 85	\$160 00	39,339 84	15,503 84	888,021 61
Missouri	413,631.54	517,655 63	513,064 81	.....	4,590 82	19,952 83	521,211 51
Alabama	141,655.91	179,136 93	179,136 93	.....	.....	9,885 65	201,385 39
Mississippi	56,106.69	74,174 36	74,174 36	.....	.....	5,016 29	114,706 38
Louisiana	50,262.16	62,828 08	62,828 08	.....	.....	6,131 97	95,669 59
Michigan	255,782.08	324,520 60	317,698 72	100 00	6,721 88	10,145 46	330,815 18
Arkansas	66,870.37	83,708 34	83,708 34	.....	.....	6,831 63	129,602 00
Florida	45,798.73	57,312 18	57,312 18	.....	.....	2,925 53	57,057 26
Iowa	1,718,757.06	2,149,034 59	2,026,295 70	50 00	122,688 89	31,111 84	1,625,116 08
Wisconsin	466,308.25	584,674 89	574,677 71	150 00	9,847 18	19,612 66	538,914 06
California .....	.....	.....	.....	.....	.....	9,178 50	.....
Minnesota T	85,409.53	108,760 72	106,760 72	.....	.....	4,007 46	94,526 48
Oregon Ter.	1,655.95	2,082 44	2,082 44	.....	.....	.....	2,040 79
Grand total	3,977,678.41	5,217,040 52	5,033,252 34	160 00	183,328 18	148,863 39	4,754,948 95

* No Treasurer's receipts received.

† This amount in Wisconsin refunding certificates.

‡ Includes \$150 in Wisconsin refunding certificates.

C.

This exhibit shows that 8,189,017 acres of public lands, (exclusive of the sixteenth or school sections,) were advertised for sale in 1854; that during this period there were 9,270,691 acres prepared for market and not advertised at the date of the report; and that the plats of survey of 13,600,000 (including 6,000,000 returned and surveyed in California, Oregon Territory and Washington Territory) are expected to be returned in the year 1855.

D.

Is a synopsis of public lands advertised for sale since date of last report, and shows 8,190,017 acres under proclamation exclusive of school lands.

E, F, and G, are estimates of appropriations for the General Land Office, the offices of the Surveyor Generals and for surveying the public lands in the several land States.

H, refers to the report of the Surveyor Generals of the several land States, the substance of which, as far as it is of general interest is sufficiently set forth in the reports of the Secretary of the Interior and of the Commissioner of the General Land Office.

VIII.—INDIAN AFFAIRS.

Annexed to the report of the Commissioner on Indian Affairs, are one hundred reports and other communications from the different superintendents, agents, sub-agents, teachers of schools in the Indian country, &c., containing minute details of local interest. The result of the whole is stated so fully in the report of the Commissioner, that it is not necessary to make any particular reference to these communications. The same may be said of the papers accompanying the report marked A to H, inclusive, which are accessible in the documents at large to all to whom they are likely to be of importance.

IX.—THE PENSION OFFICE.

The general results in the operation of the pension system are given with sufficient fulness in the report of the commissioner. Of the tabular statements annexed the following is the only one of sufficient general interest to justify its reproduction in this summary.

Statement showing the number of pensioners in the different States and Territories on the 30th September, 1854.

States.	Invalid.	Act March 18, 1818.	Act May 15, 1828.	Act June 7, 1832.	Acts July 4, 1836, and July 21, 1848.	Acts June 17, 1844, February 2, 1848, and July 29, 1848	Act February 3, 1853.	Total.
Maine.....	202	22	.....	57	11	180	250	722
New Hampshire.....	145	18	1	32	14	218	207	635
Vermont.....	134	21	.....	70	21	236	204	686
Massachusetts.....	151	18	.....	77	31	359	315	951
Rhode Island.....	17	1	.....	12	5	68	75	178
Connecticut.....	47	8	.....	44	24	225	216	564
New York.....	939	51	11	198	74	721	680	2,674
New Jersey.....	24	1	.....	13	7	99	76	220
Pennsylvania.....	450	5	2	36	31	188	333	1,045
Delaware.....	4	.....	.....	.....	2	1	1	8
Maryland.....	97	.....	.....	5	3	28	61	194
Virginia.....	97	10	.....	41	12	188	260	608
North Carolina.....	42	2	.....	37	24	136	169	410
South Carolina.....	63	1	.....	15	7	49	76	211
Georgia.....	102	1	.....	38	6	64	120	331
Alabama.....	51	.....	.....	12	6	6	46	121
Mississippi.....	23	.....	.....	2	.....	7	20	52
Louisiana.....	94	.....	.....	.....	18	5	27	144
Ohio.....	410	8	1	45	26	172	284	946
Kentucky.....	245	2	2	65	18	177	193	702
Tennessee.....	518	2	.....	44	27	126	288	1,005
Indiana.....	254	3	.....	26	13	43	117	450
Illinois.....	320	1	.....	3	10	32	176	542
Missouri.....	182	.....	.....	6	10	18	62	278
Arkansas.....	48	.....	.....	1	1	2	21	73
Michigan.....	181	.....	2	7	6	26	81	303
Florida.....	32	.....	1	1	1	.....	9	44
Iowa.....	49	.....	.....	.....	1	3	20	73
Wisconsin.....	70	1	.....	3	3	8	12	97
California.....	13	.....	.....	.....	.....	.....	1	14
District of Columbia.....	96	.....	.....	1	10	60	60	227
Oregon Territory.....	6	.....	.....	.....	1	.....	.....	7
Total.....	5,106	176	20	885	423	3,445	4,460	14,515

THE SMITHSONIAN INSTITUTION.

The ninth Annual Report of the Smithsonian Institution will be made to Congress after the meeting of the Regents in January.

The amount of the bequest of James Smithson, received into the Treasury of the United States, was \$515,169 00. The interest on this fund to July 1st, 1846, was \$242,129 00. The annual interest is \$30,910 14. This fund is regarded as a perpetual loan to the United States, for the purpose of founding "an establishment for the increase and diffusion of knowledge among men." The edifice which has been erected has cost about \$300,000. Much has been done toward finishing and furnishing it during the past year.

The financial affairs of the Institution are in good condition. The library, consisting principally of transactions of learned societies, is valued at \$40,000; the Museum at \$30,000; the apparatus for original research and illustration at \$15,000. Besides this accumulation of property, while the amount of the original bequest remains intact, there is on hand nearly \$140,000 of the interest unexpended. It will thus be perceived that there is at present an aggregate in property and money of more than one million of dollars.

The completion of the building appears to have been delayed for two reasons: firstly, that the interior arrangements might be adapted to the wants of the Institution; and secondly, that there might be an accumulation of the income. An application is now before Congress, asking that the amount thus accumulated may be received into the treasury of the United States as an addition to the principal.

The Institution has published a large number of original memoirs, products of the ingenuity and research of citizens of the United States. Copies of these memoirs, are sent to all the principal libraries and many other institutions of the old world, and in the United States. The seventh quarto volume of the series is now in press, and will soon be ready for distribution. In it is contained an account of the Effigy Mounds of Wisconsin. Several memoirs, comprising part of the eighth volume, have also been printed and partially distributed.

The library has received 6,172 additions during the past year: by purchase, 920; by exchange, 3,642; by copy-right contributions, 1,610.

The Institution has established, in connexion with the distribution of its own productions, an extended system of exchanges by which it is enabled to transmit to foreign countries, duty free, the works of American authors, and to receive the works of foreign authors in like manner. The Prussian Minister near this government has just communicated to it the agreeable intelligence that the Congress of the Zollverein has entered into this arrangement, which now embraces all the civilized nations of the world.

A large amount of information on the subject of Meteorology has been collected by the Institution, and will be published as soon as it can be reduced to form, and means shall be provided. A series of lectures has been delivered during the past year by learned and distinguished men. Three national associations have also held their meetings in the halls of the Institution, the American Agricultural Society, the American Association for the Advancement of Science, and the American Association for the Advancement of Education. The interior of the upper part of the edifice is admirably adapted for the accommodation of such bodies, containing a very large and convenient lecture hall, to the east and west of which are two rooms, each fifty feet square, twenty-five feet high, and well lighted.

As it is probable that the proceedings of the Regents, during the month of January, will be of an interesting character, their report for the last year is looked for with anxiety by both the friends and opponents of the present direction. It will not appear in season, however, to enable us to avail ourselves of its contents, for the first edition of our work

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